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TITLE 6—AGRICULTURAL CREDIT

Chapter II—Commodity Credit Corporation

[1942 C. C. C. Soybean Form 1—Instructions, Rev.]

PART 230—1942 SOYBEAN LOANS

INSTRUCTIONS CONCERNING LOANS AND PURCHASES

Commodity Credit Corporation has authorized the making of loans on farm-stored soybeans or the purchase of soybeans stored in approved warehouses or delivered to designated delivery points in accordance with these instructions.

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AUTHORITY: §§ 230.1 to 230.34, inclusive, issued under sec. 302, 52 Stat. 43; 7 U.S.C., 1302.

GENERAL INSTRUCTIONS

§ 230.1 *Eligible producer.* Any person, partnership, association, or corporation producing soybeans in 1942 as landowner, landlord, or tenant.

§ 230.2 *Lending agency.* Any bank, cooperative marketing association, or other corporation, partnership, or person, which has executed a Contract to Purchase (1940 C.C.C. Form E) and filed such contract with a regional office of Commodity Credit Corporation.

§ 230.3 *Liens.* Soybeans offered as collateral or for purchase must be free and clear of all liens except in favor of the lienholders listed in the space provided therefor in the chattel mortgage or the offer of sale memorandum. The names of all existing lienholders such as landlord, laborers, threshers, or mortgagees must be listed in the space provided therefor in the mortgage or offer of sale memorandum. The waiver and consent to sell or mortgage the soybeans and payment of the proceeds to the producer as contained in the mortgage or offer of sale memorandum must be signed personally by all lienholders listed or by their duly authorized agents; or, if corporation, by an officer thereof customarily authorized to execute such instruments. Waivers of lienholders may be executed on separate instruments if complete identification of the commodity and the producer is shown.

§ 230.4 *High and low oil content soybeans.* (a) High oil content soybeans of classes I and II are varieties approved by the United States Department of Agriculture State War Board produced in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Kentucky, West Virginia, Maryland, Delaware, and all States north and east thereof.

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(b) Low oil content soybeans of classes I and II shall be soybeans produced in areas other than those designated in subsection (a) above.

(c) High oil content soybeans of classes III, IV, and V, and varieties of classes I and II not approved by the United States Department of Agriculture State War Board shall be soybeans of such classes and varieties which are produced in a county as to which it is determined by Commodity on the basis of representative samples that such classes or varieties generally grown in such county have a fat content of not less than 17½ percent on a 10 percent moisture basis.

(d) Low oil content soybeans shall be soybeans of classes III, IV, and V (brown, black, and mixed) and varieties of U. S. classes I and II not approved by the United States Department of Agriculture State War Board unless grown in a county as to which it is determined by Commodity on a basis of representative samples that soybeans of such classes or varieties generally grown in such county have a fat content of not less than 17½ percent on a 10 percent moisture basis.

(e) In any county in which soybeans of any class are to be bought on a low oil content basis, unless they are approved as having high oil content, the county agricultural conservation committee may, with the approval of the State committee, secure representative samples of such class of soybeans for the purpose of determining the average oil content. In preparing such representative samples, the county committee, as the representative of Agricultural Adjustment Agency and Commodity Credit Corporation, shall secure individual farm samples so as to include all varieties of soybeans making up the particular class and so as to include farms located on each soil type in the county in which such class of soybeans is produced. Individual farm samples shall be taken from a minimum of 20 farms, unless there are less than 20 farms producing the particular class of soybeans in the county, in which case a sample shall be taken from each farm. The individual farm samples shall be thoroughly intermingled and from this three composite samples of not less than one quart each shall be prepared and sent to an approved laboratory for oil analysis. If the average oil content of the three composite samples is 17½ percent or more on a 10 percent moisture basis, all soybeans of that class produced in the county shall be considered to be of high oil content, upon submission to the regional director of Commodity Credit Cor-

poration at Chicago of a copy of the analysis and a report of the manner in which the samples were taken and prepared.

If an individual producer desires to have an official determination made with respect to the oil content of the soybeans produced on his farm, he may request the county committee to secure a representative sample of his soybeans. The county committee shall take not less than three samples from the soybeans produced by such producer and from these they shall prepare a composite sample and submit it to an approved laboratory for analysis as indicated above. The county committee shall also determine the approximate number of bushels of soybeans of the particular class which the producer will offer for sale. In the event the analysis of the sample indicates an oil content of 17½ percent or more on a 10 percent moisture basis, the soybeans offered for sale by the producer shall be eligible for the high oil content price, provided the documents executed in connection with the purchase of such soybeans are accompanied by the report of the oil analysis made by the laboratory and a statement by the county committee showing the number of bushels of soybeans of such class represented by the sample produced on the farm to be offered for sale.

In the event a group of producers growing the same variety of soybeans wish to have an official oil determination made, the same procedure should be followed in securing samples as outlined in the first paragraph of this subsection. It will, however, be necessary for the county committee to prepare for submission with all documents executed in connection with the purchase of such soybeans a true copy of the oil analysis prepared by the laboratory, together with their estimate of the number of bushels of soybeans of such class represented by the sample produced and to be offered for sale by each producer in the group.

In both cases covered by the two paragraphs next above, the individual or group of individuals requesting the determination will pay the costs of the oil analysis.

§ 230.5 *County agricultural conservation committees.* Local county agricultural conservation committees will administer the loan and purchase program within a county and will determine eligibility of producers and soybeans. All loan and purchase forms will be obtainable from offices of county committees and must be approved by the committee prior to disbursement of proceeds. A service fee in connection with each loan will be collected by the county committee to cover the expenses incurred in the operation of the program.

§ 230.6 *Regional office of Commodity Credit Corporation.* The regional office of Commodity Credit Corporation, 208 South La Salle Street, Chicago, Illinois, will handle the soybean loan and purchase program for the Corporation.

LOANS

§ 230.10 *Eligible soybeans for loans.* Soybeans eligible for loans must be stored on farms and shall be any class grading

No. 3 or better with respect to factors other than moisture and having a moisture content not in excess of 14 percent, which were produced in 1942, the beneficial interest to which is and always has been with the eligible producer, except that soybeans grading weevily or which are musty, sour, heating, or have any objectionable foreign odor, shall not be eligible soybeans for loan. Loans will be made to eligible producers on soybeans stored on the farm in all areas approved by the Agricultural Adjustment Agency. The procedure in § 230.4 (e) relating to high oil content soybeans for purchase applies to soybeans for loans also.

§ 230.11 *Amount.* The basic loan values for No. 1 and No. 2 soybeans shall be in accordance with the following schedules:

(a) Soybeans of classes I and II (green and yellow):

- (i) \$1.60 per bushel for high oil content.
- (ii) \$1.50 per bushel for low oil content.

(b) Soybeans of classes III, IV, and V (brown, black, and mixed):

- (i) \$1.50 per bushel for high oil content.
- (ii) \$1.40 per bushel for low oil content.

(c) Soybeans of any class grading No. 3 with respect to factors other than moisture and having not more than 14 percent moisture shall be discounted 8 cents per bushel below the basic loan value for No. 1 or No. 2.

§ 230.12 *Maturity and interest.* Loans on eligible soybeans will be available after the 1942 harvest begins and through March 31, 1943. Loans will mature on demand, but not later than June 30, 1943. Consent for storage of the soybeans on the farm until September 1, 1943, will be required. A 7-cent per bushel storage allowance will be advanced which may be retained by the borrower if the soybeans are delivered to Commodity Credit Corporation in payment of the loan at maturity or prior thereto if payment is demanded for a reason other than damage to the collateral or misrepresentation by the borrower. If delivery is made prior to maturity due to damage or threatened damage to the collateral, the producer shall refund to the Corporation an amount equal to 1 cent per bushel per month for each month or fraction thereof he fails to store the beans to June 30, 1943, not to exceed a total of 7 cents per bushel. Loans will be made on a note and chattel mortgage basis, using C.C.C. Grain Form A (Revised) (note) and C.C.C. Grain Form AA (Revised) (chattel mortgage).

§ 230.13 *Determination of quantity of soybeans.* Loans shall be made at values expressed in cents per bushel, a bushel being determined to be 60 pounds when determined by weight or 1.25 cubic feet of soybeans testing 60 pounds per bushel when determined by measurement. In determining the quantity of soybeans stored by measurement, fractional pounds of the test weight per bushel for soybeans testing less than 60 pounds will be disregarded, and the quantity deter-

mined by measurement shall be adjusted by the following respective percentages:

	Percent
For soybeans testing 60 pounds or over.....	100
For soybeans testing 59 pounds or over, but less than 60 pounds.....	98
For soybeans testing 58 pounds or over, but less than 59 pounds.....	97
For soybeans testing 57 pounds or over, but less than 58 pounds.....	95
For soybeans testing 56 pounds or over, but less than 57 pounds.....	93
For soybeans testing 55 pounds or over, but less than 56 pounds.....	92
For soybeans testing 54 pounds or over, but less than 55 pounds.....	90
For soybeans testing 53 pounds or over, but less than 54 pounds.....	88
For soybeans testing 52 pounds or over, but less than 53 pounds.....	87

§ 230.14 *Farm storage.* Soybeans shall have been stored in the granary for a reasonable period, determined by the county committee, prior to inspection for measurement, sampling, and sealing. In accordance with regulations issued by the Secretary of Agriculture, the State and county agricultural conservation committees will inspect and approve storage facilities and will arrange for measuring, sampling, grading, and sealing the soybean collateral in approved structures. Chattel mortgages covering farm-stored soybeans must be executed and filed in accordance with the applicable State law. Producers should obtain information and assistance from the county agricultural conservation committees in regard to the execution and filing of such chattel mortgages. Where the borrower is a tenant, the expiration date of the lease must be given in the chattel mortgage and if such date is prior to September 1, 1943, the landlord must execute the consent for storage in the chattel mortgage. The consent for storage agreement must also be executed by any other party or parties entitled to possession prior to September 1, 1943. Each producer must designate in the chattel mortgage a shipping point reasonably convenient for the delivery of the soybeans as determined by the county committee. A separate note and chattel mortgage must be submitted for soybeans stored on each quarter section of land.

§ 230.15 *Source of loans.* Loans may be obtained through banks and other lending agencies as defined in § 230.2 hereof, or direct from the Commodity Credit Corporation.

§ 230.16 *Purchase of loans.* Commodity Credit Corporation will purchase without recourse, notes evidencing loans only from lending agencies which have executed and delivered to a regional office of Commodity Credit Corporation, Contract to Purchase, 1940 C.C.C. Form E. Notes held by lending agencies must be tendered to the Commodity Credit Corporation for immediate or deferred purchase within 10 days of written request or at least 10 days prior to maturity in the absence of written demand. The purchase price to be paid by Commodity Credit Corporation for notes accepted will be the outstanding face

amount of such notes, plus accrued interest from the date of disbursement by the lending agency to the date of payment of the purchase price at the rate of 1½ percent per annum. Under the terms of the Contract to Purchase, lending agencies are required to report weekly on 1940 C.C.C. Form F all repayments or collections on producers' notes held by them and to remit with such report to the office of Commodity Credit Corporation an amount equivalent to 1½ percent per annum on the principal amount collected from the date of disbursement by the lending agency to the date of repayment.

§ 230.17 *Release of collateral.* A borrower may obtain the return of his note and redeem the collateral at any time prior to delivery of the collateral to Commodity Credit Corporation upon payment of the principal amount due thereon, plus accrued interest. Borrowers may repay directly notes that are held by lending agencies or if the notes are held by Commodity Credit Corporation, they may request that notes be forwarded to a local bank for collection, or remit an amount sufficient to pay the outstanding principal and interest. Partial payment of a note and partial release of collateral may be arranged with the county agricultural conservation committee.

PURCHASES

§ 230.20 *Eligible soybeans.* Eligible soybeans shall be soybeans of all classes grading No. 4 or better produced in 1942, the beneficial interest to which is and always has been in the eligible producer. Soybeans containing stones and/or cinders, or soybeans grading weevily, musty, sour, heating, or hot, or which have any commercially objectionable foreign odor, shall not be eligible for purchase.

§ 230.21 *Program outline.* In order to handle this year's record crop of soybeans in an orderly and efficient manner and assure producers of the announced support prices, it is necessary that the county agricultural conservation committees assist in the purchase programs. This will require close cooperation with Commodity Credit Corporation, processors, country, terminal, and subterminal warehousemen. To determine the best methods of handling soybeans in their county, the county committee should first estimate the production and then make a survey of the storage situation in the county, determining the amount of farm storage, elevator storage, Commodity Credit Corporation owned steel and wooden bins, and the amount of storage needed, but not available in the county. All expense incurred by the county committee in connection with the purchase program, including supervision, mileage, and the cost of weighing, sampling, making determination of oil content, and loading into Commodity Credit Corporation bins shall be paid by the county committee and claimed as a reimbursable expense.

§ 230.22 *Methods of handling soybean purchases.* (a) By country warehouseman for the account of the proces-

sor, either for immediate sale to or storage for the processor.

(b) By approved country warehouseman for immediate shipment to Commodity Credit Corporation, storage for Commodity Credit Corporation, deferred sale to Commodity Credit Corporation, or immediate sale to a processor, or terminal warehouseman.

(c) By processor direct from the producer.

(d) By county agricultural conservation committees for storage in Commodity Credit Corporation owned steel or wooden bins, storage in other facilities, or shipment.

The purchase period shall begin as soon as 1942 soybeans are harvested and shall extend through June 30, 1943.

§ 230.23 Amount. The basic price per net bushel to be paid for eligible soybeans grading No. 1 and No. 2, sold and delivered before January 1, 1943, shall be not less than the prices in the following schedule:

Soybeans of class I (yellow) and class II (green):

(a) \$1.60 per bushel for high oil content.

(b) \$1.50 per bushel for low oil content.

Soybeans of class III (brown), class IV (black) and class V (mixed) and (varieties of classes I and II not approved by the United States Department of Agriculture State War Board, except in the States in which the Processor Contract for Cotton States is offered):

(a) \$1.50 per bushel for high oil content.

(b) \$1.40 per bushel for low oil content.

The price per net bushel to be paid for soybeans grading No. 3 and No. 4 shall be determined by deducting from the price per net bushel for soybeans grading No. 1 and No. 2, discounts in accordance with the following:

(a) *Test weight.* $\frac{1}{2}$ cent per bushel for each pound or fraction thereof under 54 pounds.

(b) *Moisture.* $\frac{3}{10}$ cent per bushel for each $\frac{1}{10}$ percent of moisture in excess of 14 percent.

(c) *Splits.* $\frac{1}{4}$ cent per bushel for each 5 percent or fraction thereof in excess of 15 percent.

(d) *Damage.* 1 cent per bushel for each 1 percent or fraction thereof in excess of 3 percent, but not in excess of 5 percent, plus 2 cents for each 1 percent or fraction thereof in excess of 5 percent.

(e) *Foreign material other than dockage.* 1 cent per bushel for each 1 percent in excess of 2 percent rounded to nearest percent.

(f) *Other colors (than yellow or green).* 1 cent per bushel for each 1 percent in excess of 3 percent (over 5 percent classify as mixed soybeans).

(g) *Dockage.* Not to be paid for. Deduct from the gross weight all dockage entered on the inspection certificate.

§ 230.24 Increase in soybean price. For soybeans sold and delivered on or after January 1, 1943, the basic prices shown above shall be increased as follows:

	Cents per bushel
January 1 to January 31, inclusive.....	1
February 1 to February 28, inclusive.....	2
March 1 to March 31, inclusive.....	3
April 1 to April 30, inclusive.....	4
May 1 to May 31, inclusive.....	5
June 1 to June 30, inclusive.....	6

§ 230.25 Purchase by country warehouseman who has agreement to purchase soybeans for processor. Country warehouseman will purchase soybeans delivered by wagon or truck at support prices as determined by class, grade, and discounts as stated in § 230.23. The warehouseman will be reimbursed by the processor in accordance with the terms of their agreement in an amount equal to the support price (§§ 230.23 and 230.24), plus not less than $3\frac{1}{2}$ cents per bushel charge for handling the soybeans in and out of the warehouse, plus $\frac{3}{4}$ of 1 cent per bushel if no storage is earned by the warehouseman and soybeans are shipped prior to January 1, 1943. The $3\frac{1}{2}$ cents and $\frac{3}{4}$ cent charges stated herein apply only to processors signing the Form B and Pacific Coast contracts.

§ 230.26 Purchase by country warehouses approved under the Uniform Grain Storage Agreement. The country warehouseman shall purchase soybeans delivered by wagon or truck from the producer at the support price and will be reimbursed by Commodity Credit Corporation in an amount equal to the support price in effect on the date of purchase by the warehouseman, plus charges as indicated herein.

(a) *Storage in warehouse for Commodity Credit Corporation.* Warehouseman issues warehouse receipts to the order of Commodity Credit Corporation for each producer's soybeans. Warehouse receipts shall be properly listed on C.C.C. Soybean Purchase Form D and attached to a sight draft drawn on Commodity Credit Corporation for the total amount due warehouseman (not including warehouse charges) with respect to the soybeans represented by the receipts. The sight draft and attachments may be presented to a local bank or direct to the Corporation for collection. Warehouseman's charges will accrue against the warehouse receipts in accordance with the Uniform Grain Storage Agreement.

(b) *Storage in Commodity Credit Corporation owned bins.* Eligible soybeans grading No. 4 or better except for moisture content and containing not more than 14 percent moisture and reasonably free from dockage and foreign material may be stored in Commodity Credit Corporation owned bins. Soybeans to be stored in steel or wooden bins for Commodity Credit Corporation should be segregated as to color. If necessary, soybeans of the same color but different grades may be mixed. Warehouseman shall issue scale tickets for the soybeans placed in Commodity Credit Corporation bins and deliver such tickets to the county committee. The scale tickets shall be listed on C.C.C. Soybean Purchase Form D which shall be attached to a sight draft drawn on Commodity Credit Corporation for the amount due the warehouseman for the purchase price of soybeans. For receiving the soybeans and placing them in Commodity Credit Corporation owned bins the warehouseman will receive an amount not to exceed 2 cents per bushel according to the amount of service rendered and in accordance with an agreement

with the county committee. The warehouseman will invoice Commodity Credit Corporation at Chicago for the amount of these services and must secure the county committee's written approval of the invoice before submission to the Corporation.

(c) *Immediate shipment.* If the warehouseman does not store the beans in his warehouse or place them in Commodity Credit Corporation owned bins, he may request shipping instructions from the Chicago office of Commodity Credit Corporation. The warehouseman will list all scale tickets representing soybeans loaded for shipment on C. C. C. Soybean Purchase Form D, and attach sight draft for the purchase price of soybeans drawn on Commodity Credit Corporation, together with copy of the bill(s) of lading. Commodity Credit Corporation will pay warehouseman $3\frac{1}{2}$ cents per bushel for handling the soybeans in and out of the warehouse, plus $\frac{3}{4}$ of 1 cent per bushel for temporarily financing, insuring, and temporarily storing the soybeans, if the soybeans are shipped by the country warehouseman immediately upon purchase by him. This payment will be made after receipt of soybeans by Commodity Credit Corporation and will be subject to adjustment on the basis of official weights and grades at destination.

(d) *Sale to processor.* Country warehouseman may purchase soybeans for sale to processor or to terminal or sub-terminal warehouses. In such instances the instructions in § 230.25 shall apply.

§ 230.27 Purchase by processor. Processor may purchase soybeans at the plant direct from producer at the support price. Processor will not be entitled to a handling charge, but will be reimbursed by Commodity Credit Corporation in accordance with an agreement between the processor and the Corporation.

§ 230.28 Purchases by county committees where there are no warehousemen or processors available—(a) *For storage in Commodity Credit Corporation owned bins.* In areas where there are no approved warehousemen, country warehousemen, warehousemen's agent, processor, or processor's agent available at producer's usual shipping point or where warehousemen do not cooperate in the purchase program, the purchase program will be carried out by the county committee. Commodity Credit Corporation will authorize members of the county committee or an agent designated by the county committee and approved by the Corporation to issue sight drafts drawn on the Corporation in favor of producers who sell and deliver soybeans to the Corporation in accordance with instructions from the county committee.

Soybeans which contain in excess of 14 percent moisture shall not be stored in Commodity Credit Corporation owned bins. However, producers may, by filing an Offer of Sale with the county committee, deliver their soybeans for purchase to a point designated by the county committee, without first having secured a grade determination, if in the opinion of the producer and the county com-

mittee, the soybeans do not have a moisture content in excess of 14 percent.

In the event the producer is requested by the county committee to deliver his soybeans to a point more distant than his usual delivery point for the purpose of assembling in carload lots, the Corporation will allow not more than 5 cents per ton per mile haul for the additional distance necessary to make such delivery, but in no event should the county committee approve payments for an additional haul in excess of 4 cents per bushel without prior approval of the Regional Director of Commodity Credit Corporation, 208 South La Salle Street, Chicago, Illinois. When payment for additional mileage is approved by the county committee, a statement should be prepared, signed by the producer and approved by the county committee. This statement should be attached to the copies of C. C. C. Soybean Purchase Form E. Purchase Form E will be attached to the sight draft but the amount claimed for additional mileage shall not be included in the amount of the sight draft.

County committees shall weigh, secure a representative sample, load in Commodity Credit Corporation owned bins and forward the sample to the State office of Agricultural Adjustment Agency or to an inspector licensed to grade soybeans for grade analysis. Upon receipt of the grade analysis which shall include all grade factors needed to determine purchase price, the county committee shall draw a sight draft in favor of the producer on Commodity Credit Corporation for the total purchase price of the beans delivered.

In order that the sight draft will be honored by Commodity Credit Corporation, the county committee shall attach to the sight draft C. C. C. Soybean Purchase Form E, Report of Soybeans Purchased for the Account of Commodity Credit Corporation by county committee. The county committee shall list on Commodity Loan 23-A all purchases of soybeans made for storage in Commodity Credit Corporation bins. Two copies of Commodity Loan 23-A should be forwarded to the Regional Director, Commodity Credit Corporation, 208 South La Salle Street, Chicago, Illinois, regularly (not less than once a week) as purchases are made. All soybeans placed in Commodity Credit Corporation bin storage will be under the supervision of the county committee. County committees shall closely supervise the filling of Commodity Credit Corporation owned bins to be sure that soybeans placed in the bins are dry enough to assure safekeeping. Frequent inspections during the harvest season should be made to prevent loss from heating and if the soybeans are found to be questionable as to keeping qualities, the county committee should notify the State committee at once.

(b) *Soybeans purchased for shipment for the account of Commodity Credit Corporation by county committee.* Where soybeans for purchase are delivered to the county committee and are questionable as to keeping qualities or

will grade in excess of 14 percent moisture, thus making them ineligible for Commodity Credit Corporation bin storage, or no bin storage is available, they should be assembled in carload lots for immediate shipment. The county committee should then secure shipping instructions from the State committee before loading for shipment. County committees should make certain before accepting delivery of soybeans that will have to be shipped because of moisture that such soybeans can be accepted by processors. Farmers may be required to withhold delivery until such time as the county committee finds space for shipment. The method of securing grade determinations and the payment for the soybeans will be handled by the county committee in the same manner as outlined for soybeans stored in Commodity Credit Corporation bins by the county committee.

§ 230.29 Two types of sight drafts.

(a) A noninterest-bearing sight draft shall be used in all cases when the soybeans are purchased for immediate shipment.

(b) An interest-bearing sight draft shall be used when the soybeans are placed in warehouse storage for Commodity Credit Corporation or in Commodity Credit Corporation bins. In either instance the sight draft may be presented to the local bank or direct to Federal Reserve Bank of Chicago for collection. Upon receipt of an interest-bearing sight draft by a local bank the local bank shall pay the draft and either submit direct to the Federal Reserve Bank of Chicago for collection, or transfer to another bank (one transfer permitted in case of warehouse-stored soybeans only), or hold until called by Commodity Credit Corporation and collect interest thereon at 1½ percent from date on the draft until date of payment by Commodity Credit Corporation.

§ 230.30 Making grade analysis.

Where requested by the producer, soybean purchasers shall furnish the producer a complete grade analysis which shall include class, grade, test weight, moisture, percent of splits, percent of damage, percent of foreign material other than dockage, percent of brown and/or black soybeans in the case green or yellow soybeans are being offered for sale, and percent of dockage.

If the warehouse is not equipped to furnish all grade factors, a representative sample of the soybeans delivered shall be taken by the purchaser and producer and sent to the State agricultural conservation office laboratory, or to an inspector licensed to grade soybeans, for grade determination before any payment is made to the producer. Each producer will be paid according to the soybeans delivered. The county agricultural conservation committee shall arrange for the warehouseman to mail such samples direct to the laboratory through the use of C. C. C. Soybean Purchase Form F.

All settlements with the producer by the purchaser will be based upon an agreement between the purchaser and producer of grade factors determined. If in agreement, the purchaser shall pay to the producer an amount equal to the rates established in these instructions on the net member of bushels of soybeans delivered.

The producer should understand that he has the right to call for an official grade if, in his opinion, any grade factors furnished by the purchaser are incorrect. In such cases, a representative sample taken by the purchaser and producer shall be forwarded to a qualified licensed inspector or Federal Grain Supervision Office for analysis, and settlement shall then be made on the basis of such analysis. The individual requesting the official grade shall pay the cost of securing grade determination.

§ 230.31 Guaranteeing the support price. Processor and Commodity Credit Corporation may require from the purchaser a signed statement that all soybeans were purchased from producers at the support price per bushel indicated by Commodity, and that purchaser had made and will maintain records evidencing the payment of such support price to producers, such record to be open during business hours to inspection by the processor, by Commodity, or by any county committee of the Agricultural Adjustment Agency.

§ 230.32 Shipping instructions. Soybeans purchased for the account of the processor shall be loaded and shipped according to instructions from the processor. Soybeans purchased for the account of Commodity Credit Corporation shall be loaded and shipped according to instructions from Commodity Credit Corporation at Chicago, Illinois. In no event shall a car be loaded until shipping instructions have been received.

§ 230.33 Soybeans of the most adaptable varieties selected for seed. In the heavy soybean-producing counties, the county agricultural conservation committee will assist the elevatorman in selecting high-quality soybeans of the most adaptable varieties in order that they may be segregated and stored separately in Commodity Credit Corporation owned bins for seed purposes.

§ 230.34 Insurance by warehouseman. Warehouseman shall at his own expense keep all soybeans purchased by him for the account of Commodity Credit Corporation, but not covered by storage receipts while the soybeans are in his possession, insured against fire, windstorm, lightning, cyclone, tornado, and inherent explosion (if legal in the State involved) at full market value in his own name.

Dated: September 24, 1942.

[SEAL]

J. B. HUTSON,
President.

[F. R. Doc. 42-11879; Filed, November 13, 1942; 11:37 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Administration

Subchapter C—Regulations Under the Farm Products Inspection Act

PART 60—RICE (INSPECTION AND CERTIFICATION)

REVISION OF REGULATIONS

By virtue of the authority vested in the Secretary of Agriculture by law (Public Law 674, 77th Congress; 7 U.S.C. 414) the following revision of Title 7, Chapter I, Subchapter C, Part 60, Code of Federal Regulations (7 CFR, and 1939 Supp., Chapter I, Subchapter C, Part 60, as amended by 7 F.R. 6805) which shall supersede the regulations now in effect, is promulgated:

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60.8 When application is deemed filed.
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- 60.44 Authorized samplers.
60.45 Suspension or revocation of authorization.
60.46 Instructions to authorized samplers.

APPEAL INSPECTION

- Sec.
60.47 When and by whom appeal may be taken.
60.48 How to obtain appeal inspection.
60.49 Advance notice of appeal.
60.50 Contents of appeal application.
60.51 Inspection certificate; filing.
60.52 Record of filing appeal.
60.53 When appeal may be dismissed.
60.54 When appeal may be withdrawn.
60.55 Rice supervisor to determine appeals.
60.56 Appeal inspection certificates; issuance.
60.57 Appeal inspection certificates; disposition.
60.58 Appeal certificate supersedes inspector's certificate.
60.59 Right of appeal not to be impaired.
60.60 Appeal inspection to be based on representative sample.

CHARGES FOR INSPECTION

- 60.61 Fees and charges.
60.62 How fees and charges shall be paid.

MISCELLANEOUS

- 60.63 Fraud or misrepresentation.
60.64 Publications.
60.65 Political activity.
60.66 Identification.

AUTHORITY: §§ 60.1 to 60.66, inclusive, issued under Pub. Law 674, 77th Cong., 7 U.S.C. 414.

DEFINITIONS

§ 60.1 *Meaning of words.* Words in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 60.2 *Terms defined.* For the purpose of this part, unless the context otherwise require, the following terms shall be construed, respectively, to mean:

(a) "Act" means the following provisions of an Act of Congress entitled "An Act making appropriations for the Department of Agriculture" for the fiscal year ending June 30, 1943, (Public Law 674, 77th Congress):

For enabling the Secretary of Agriculture, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, boards of trade, chambers of commerce, or other associations of businessmen or trade organizations, and persons or corporations engaged in the production, transportation, marketing, and distribution of farm and food products, whether operating in one or more jurisdictions, to investigate and certify to shippers and other interested parties the class, quality, and condition of cotton, tobacco, fruits, and vegetables, whether raw, dried, or canned, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided*, That officers and employees who, under proper authorization, use privately owned motor vehicles in the performance of official travel within the corporate limits of their official stations for the purpose of inspecting and grading farm and food products and the supervision thereof at points located within the said corporate limits may be reimbursed for such travel at a rate not to exceed three

cents per mile: *Provided further*, That certificates issued by the authorized agents of the Department shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained.

(2) "Secretary" means the Secretary of Agriculture or any person to whom the Secretary has heretofore lawfully delegated, or to whom the Secretary may hereafter lawfully delegate the authority to act in his stead.

(c) "Administration" means the Agricultural Marketing Administration of the United States Department of Agriculture.

(d) "Administrator" means the Administrator of the Agricultural Marketing Administration or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

(e) "Person" means an individual, association, partnership, or corporation.

(f) "Inspector" means a person authorized by the Secretary to investigate and certify to shippers and other interested parties the grade, class, quantity, condition, and/or origin of rice in accordance with the regulations in this part.

(g) "Rice" means any rice for which standards shall have been fixed and established by the Secretary, or other cultivated rice for which inspection and certification is authorized by the regulations in this part.

(h) "Inspection certificate" means a certificate of the grade, class, quality, condition, and/or origin of rice, issued by an inspector or rice supervisor under the Act.

(i) "Interested party" means a person financially interested in a transaction involved in a rice inspection or an appeal.

(j) "Regulations" mean regulations promulgated under the Act by the Secretary.

(k) "Grade" means grade according to the official rice standards of the United States.

(l) "Official rice standards of the United States" mean standards of grade, class, quality, and condition of rice promulgated under the Act by the Secretary.

(m) "Rice supervisor" means an officer or agent of the Administration designated by the Administrator whose duties include the supervision of the inspection, grading or analysis of rice, of certification of grade, class, quality, condition, and origin thereof, and the determination of appeals in accordance with the Act and regulations.

(n) "License" means a license issued under the Act by the Secretary to any person to inspect rice and to certificate the grade, class, quality, condition, and origin thereof.

(o) "Authorized sampler" means a person authorized by a rice supervisor, or by an inspector with the approval of a rice supervisor, to draw official samples of rice, or any employee of the Administration assigned to perform sampling service.

(p) "District" means a defined portion of the United States designated for the purpose of the administration of the rice inspection service.

(q) "District headquarters" means a field office of the Grain, Feed and Seed Branch of the Agricultural Marketing Administration designated as the headquarters of a rice supervisor.

(r) "Appeal" means an appeal taken to a rice supervisor pursuant to the regulations in this part from the inspection of any lot of rice which has been certificated by an inspector.

ADMINISTRATION

§ 60.3 *Authority.* The Administrator is charged with the administration of the provisions of the Act and of the regulations in this part, and is authorized to issue such instructions as he may deem proper and necessary for the conduct of the service.

INSPECTION SERVICE

§ 60.4 *Kind of service.* Rice may be inspected for grade, class, quality, condition, and/or origin.

§ 60.5 *Who may obtain service.* An application for inspection of rice may be made by any interested party, or his authorized agent, including Federal, State, county, and municipal governments and common carriers.

§ 60.6 *How to make application.* Application for inspection may be made to any inspector in writing, orally, by telegraph or telephone. If made orally the inspector may require that it be confirmed in writing.

§ 60.7 *Form of application.* Application for inspection of rice under the Act shall include the following information: (a) the date of application; (b) the identification and location of the rice; (c) the name and post office address of the applicant and of the person, if any, making the application in his behalf; (d) the interest of the applicant therein; (e) the form of inspection desired; (f) if the rice has been inspected previously at the same place, a statement to that effect; and (g) such other information as the inspector may require or as may be deemed necessary by the Administrator.

§ 60.8 *When application is deemed filed.* An application shall be deemed filed when delivered to an inspector.

§ 60.9 *When application may be withdrawn.* Any application for inspection may be withdrawn by the applicant at any time before the certificate is issued, upon payment of any expenses incurred in connection therewith.

§ 60.10 *When inspection may be refused.* Inspection may be refused by the inspector for noncompliance with the Act or the regulations in this part. Such inspector shall immediately notify the applicant the reasons for such refusal. All expenses incurred in connection therewith may be charged to the applicant.

§ 60.11 *Authority of agent.* Proof of the authority of any person applying for inspection on behalf of another may

be required in the discretion of the inspector.

§ 60.12 *Basis of service.* Inspection for grade, class, quality, condition, or origin shall be based upon such standards as may be prescribed by the Secretary, or upon such tests as may be authorized by the Administrator.

§ 60.13 *Date of inspection.* In order to determine the date of inspection at any point for the purpose of the regulations in this part, each day shall be deemed to end at midnight, or at such time before midnight thereof as may be fixed and announced for the convenience of the inspectors and the trade at such point, with the approval of the rice supervisor in charge of the district in which such point shall be located.

§ 60.14 *Lot inspection.* A lot inspection shall consist of taking a representative sample or samples of the rice, examining the same for grade, class, quality, condition, or origin, as the case may be, and of issuing a certificate therefor. No certificate shall be issued reciting the grade, class, quality, condition, or origin of any lot of rice unless a sample or samples of the rice covered by such certificate be drawn by the inspector or by an authorized sampler, and no such certificate shall be issued unless a representative sample or samples are obtained from all parts of the rice to be certificated in accordance with instructions issued by the Administrator.

In case it shall appear that a material portion of a lot of rice is in any manner distinctly inferior to the remainder of the lot, a separate sample shall be taken from each portion, there shall be filed with each such sample a statement showing the quantity of each portion, and a separate inspection shall be made of each such portion.

§ 60.15 *Sample inspection.* A sample inspection shall consist of examining a sample for its grade, class, quality, or condition, as the case may be, and of issuing a certificate therefor. Such sample shall be, in the opinion of the inspector, of sufficient size to permit accurate determination of the grade, class, quality, or condition to be certified.

CERTIFICATES

§ 60.16 *Certificate; issuance.* An official certificate shall be issued for each inspection of any lot or sample of rice to show the grade, class, quality, condition, or origin, as the case may be; but in no case shall an inspector sign a certificate covering rice not inspected by him.

§ 60.17 *Certificate; form.* Certificates shall be issued only in such form as approved by the Administrator.

§ 60.18 *Certificate; contents.* Each inspection certificate issued under the Act by an inspector shall embody within its written or printed terms such information as may be required by the Administrator.

In addition to the matters required by the Administrator, the inspection certificate may include only such additional re-

marks as may be approved by the Administrator.

§ 60.19 *Lot inspection certificate.* A lot inspection certificate shall be issued to show the grade, class, quality, condition, or origin, as the case may be, of a lot of rice.

§ 60.20 *Sample inspection certificate.* A sample inspection certificate shall be issued to show the grade, class, quality, or condition, as the case may be, of a sample of rice. Each sample inspection certificate shall clearly state that it applies only to the sample described therein.

§ 60.21 *Analysis certificate.* Upon request of an applicant an analysis certificate may be issued by an inspector to show the result of one or more factor analysis tests according to the official rice standards of the United States, or according to any approved test for kind, quality, or condition.

§ 60.22 *Equal-to-type certificate.* Upon application of an interested party and upon compliance with the provisions of §§ 60.4 to 60.28, a rice inspection certificate may be issued by an inspector to state that the quality of a lot or a sample of rice is "equal to or better than" the quality of a type which has previously been placed on file and definitely identified in the office of the inspector, provided such inspection and certification meet the conditions set forth in either paragraphs (a) (1), (2), (3), and (4), (b), or (c) of this section.

(a) (1) The lot or sample to be certificated shall be equal to, or better than, the quality of the type according to all class, quality, and condition factors of the official rice standards of the United States, with the exception of moisture.

(2) At the time of filing the type with the inspector, the depositor shall specify and file in writing with the inspector a statement of the maximum moisture content of any rice which he proposes to have inspected or to deliver against such type.

(3) When the statement of moisture content filed by the depositor with the type specifies a maximum moisture content of 15.0 percent or less and when the lot or sample to be delivered or inspected against the type contains no more moisture than the maximum percentage so specified, the factor of moisture may be disregarded in making the certification.

(4) When the statement of moisture content filed by the depositor with the type specifies a maximum moisture content in excess of 15.0 percent and when the lot or sample to be delivered or inspected against the type contains no more moisture than the maximum percentage so specified, the certificate shall clearly state the maximum percentage of moisture specified by the depositor, also the actual moisture content of the lot or sample covered by the certificate.

(b) An equal-to-type certificate also may be issued to show that rice is "equal to or better than" a properly identified type according to one or more of the class, quality, and condition factors of the official rice standards of the United States or according to other authorized

kind, quality, and/or condition tests, provided the certificate clearly states the factors or tests used in making the inspection.

(c) An equal-to-type certificate also may be issued to show that rice is "equal to or better than" a properly identified type according to all of the class, quality, and condition factors of the official rice standards of the United States except for one or more such factors, provided the certificate clearly states the factors excepted in making the inspection.

All certificates issued under the provisions of this section shall clearly state the identity of the type.

In case any inspector finds that a lot or sample of rice offered for inspection under this section fails to meet the above requirements, the certificate issued pursuant to such inspection shall state that the rice is "not equal to type."

§ 60.23 *Milling-test certificate.* Any inspector who has equipment available to him to perform milling tests may, upon application of any interested party, and upon compliance with the provisions of §§ 60.4 to 60.28, make such tests and certificate the results, provided such equipment, and the method of use thereof meet the requirements prescribed by the Administrator, or by the rice supervisor for the area in which the rice is located.

§ 60.24 *Origin certificate.* Upon application of an interested party, a rice inspection certificate may be issued by an inspector to state that any rice sampled or inspected by him is of United States origin provided he determined this to be the fact.

§ 60.25 *Advance information.* Upon request of an applicant, all or any part of the contents of any certificate issued to him may be telegraphed or telephoned to him at his expense.

§ 60.26 *Disposition of certificates.* The original inspection certificate, immediately upon its issuance, shall be delivered or mailed to the applicant or a person designated by him. One copy shall be filed in the office of the inspector, and one or more copies forwarded to the Administrator or his representative. Additional copies may be furnished to the applicant without charge if requested prior to the issuance of the certificate. Additional copies may be furnished in accordance with the provisions of § 60.61 (d).

§ 60.27 *Superseded certificates; copies.* No inspector shall issue, nor permit to be issued over his signature, any copy of an inspection certificate which has been superseded by a Federal appeal inspection certificate, without first notifying the district rice supervisor and securing his approval of such issuance.

§ 60.28 *Certificates; copies filed with rice supervisor.* Each inspector shall, as

soon as possible after inspecting and certifying any rice and not later than the close of business on the next following business day, file in, or transmit to, the District Headquarters in the district in which the inspection was performed, a true copy of each certificate issued by him.

LICENSED INSPECTORS

§ 60.29 *Who may be licensed.* Persons who show proper qualifications as provided in §§ 60.30, 60.31 and 60.32 may be licensed by the Secretary to inspect rice. Each license issued shall be countersigned by the rice supervisor under whose direction the licensee is to perform rice inspections, or by such other officer of the Administration as the Administrator may designate.

§ 60.30 *Application; requirements.* Any person desiring a license to inspect rice shall make application to the Administrator or to a rice supervisor. Each application shall contain or be accompanied by (a) satisfactory evidence that the applicant (1) has passed his twenty-first birthday and (2) has had at least one year's experience as an inspector of rice of the kind for which a license is sought, or the equivalent of such experience; (b) satisfactory assurance that the applicant will be provided with the necessary means or facilities for inspecting and grading rice of the kind for which a license is sought; and (c) shall be signed by the applicant.

§ 60.31 *Applicant to be examined for competency.* Each applicant for a license shall, if so required by the Administrator, be examined for the purpose of determining his competency. Such examination shall be held at a time and place and in such manner as may be prescribed by the Administrator.

§ 60.32 *Licensee shall be disinterested.* No person licensed by the Secretary to inspect or grade rice, or employed by him in carrying out any of the provisions of the Act or of the regulations in this part shall, during the term of such license or employment, be interested, financially or otherwise, directly or indirectly, in the rice involved, or in any rice mill or rice storage place, or in the merchandising of rice, nor shall he be in the employment of any person, corporation, or association, owning or operating any mill, storage place, merchandising company or other organization which handles rice commercially.

§ 60.33 *License; property of Administration.* Each license shall be the property of the Administration. Whenever any license shall have been superseded, suspended, canceled, or revoked it shall be returned to the Administrator.

§ 60.34 *Licenses; conditions governing issuance.* Each license issued shall be on condition that the licensee will,

during the term of his license, apply the standards correctly, and will comply with all the provisions of the Act and the regulations in this part.

§ 60.35 *Suspension of license.* Whenever he deems such action necessary the Administrator may suspend the license of any inspector by giving him notice to that effect, together with a statement of the reasons therefor.

A licensee will be permitted 7 days from the receipt of such notice and statement of reasons, within which to show cause, supported by any evidence he may wish to offer on his behalf, why his license should not be revoked.

After the expiration of said period, final action as to the disposition of the said license will be taken.

§ 60.36 *Violations to be reported.* Each inspector shall immediately report to the rice supervisor of his district, evidence coming to his knowledge tending to show:

(a) That any provision of the Act or regulations has been violated;

(b) That any rice, inspected, and certificated, or to be inspected and certificated, under the Act or regulations has been irregularly loaded, or so loaded or piled as to conceal evidently inferior rice.

§ 60.37 *Instructions by rice supervisors.* Each inspector shall execute diligently all instructions for carrying out the Act and regulations issued to him, directly or indirectly, by a rice supervisor or by any officer of the Administration engaged in administering the Act and regulations, and, upon request, shall advise such rice supervisor or administrative officer, in full detail, of any facts regarding inspection services performed by him and the compensation received therefor.

§ 60.38 *Instructions by chief inspectors.* No chief or supervising inspector, shall issue to inspectors under his supervision any instructions inconsistent with the provisions of the Act and the regulations in this part. Each inspector shall immediately report to his rice supervisor any instructions issued contrary to this section.

§ 60.39 *Inspection and certification; when required.* Each inspector shall upon request, without discrimination, as soon as practicable, and upon reasonable terms, inspect any rice of the kind mentioned in his license, if such rice be offered and made accessible during customary business hours for such inspection, at a point where he performs service as an inspector. For each inspection, an official certificate shall be issued showing the grade, class, quality, condition, or origin, as the case may be.

§ 60.40 *Lot inspection to be based on representative sample.* No inspector

shall issue an inspection certificate for any lot of rice unless the inspection thereof be based upon a correct and representative sample of the lot and be made under conditions which permit the determination of its true grade, class, quality, condition, or origin, as the case may be. Each inspector shall take proper precautions to insure that no sample be exposed to manipulation which would deprive it of its representative character from the time of its collection until the certificate is issued. No sample shall be deemed representative unless of the size and procured in accordance with the method prescribed in instructions issued by the Administrator.

§ 60.41 Lot certification; when prohibited. No inspector shall issue an inspection certificate for a lot of rice based upon a sample thereof drawn by a sampler who is not employed or authorized by him or his inspection department; or who is not an employee of the Administration approved for the purpose; or who is interested, financially or otherwise, directly or indirectly, in the rice involved, or in any rice mill, or rice storage place, or in the merchandising of rice, nor shall he be in the employment of any person, corporation, or association owning or operating any mill, storage place, merchandising company, or other organization which handles rice commercially, or who the inspector knows, or has reason to believe, is incompetent.

§ 60.42 Inspection; restrictions. No inspection shall be made of any rice which is to be loaded into a vessel, vehicle, or other container, if it appears to the inspector that the hold, compartment, or other enclosure into which the rice is to be loaded is in such condition as to contaminate the rice or to lower the grade, quality, or condition.

§ 60.43 Inspector to make records. Each inspector shall keep complete and correct records of all rice inspected by him, which records shall be open for inspection and examination by any rice supervisor or by any officer of the Administration designated for the purpose by the Administrator.

SAMPLERS

§ 60.44 Authorized samplers. Each inspector and rice supervisor may authorize samplers to draw official samples for him for inspection purposes under the following conditions:

(a) *Sampler shall be disinterested.* No sampler authorized to draw official samples for an inspector or rice supervisor shall, during the term of such authorization, be interested, financially or otherwise, directly or indirectly, in the rice involved, or in any rice mill, or rice storage place, or in the merchandising

of rice, nor shall he be in the employment of any person, corporation, or association owning or operating any mill, storage place, merchandising company or other organization which handles rice commercially.

(b) *Authorization to be approved by rice supervisor.* No authorization issued to any sampler by an inspector shall be valid unless approved by the rice supervisor.

(c) *Form of authorization.* Each such authorization shall be in the form required by the Administrator. Each such authorization shall be signed by the inspector issuing the same, shall bear, or be accompanied by, a statement signed by the sampler that he will perform sampling services in accordance with instructions issued by the Administrator, and it shall also be signed as approved by a rice supervisor.

§ 60.45 Suspension or revocation of authorization. Each authorization shall be subject to suspension or revocation by the inspector issuing same or by any rice supervisor, upon its being established that the sampler is incompetent, that he is not acting in accordance with instructions, that he is not needed for service, that he has entered other employment that renders him unable to meet the requirement of § 60.44 (a), or for any other good reason. No sample drawn by a sampler after his authorization has been suspended or revoked shall be used by an inspector for inspection purposes.

§ 60.46 Instructions to authorized samplers. Each authorized sampler shall act in accordance with instructions issued to him by the inspector or the rice supervisor issuing the authorization, except that no inspector shall issue any instructions to authorized samplers that are inconsistent with the Act, with the regulation in this part, or with special instructions issued by the Administrator.

APPEAL INSPECTION

§ 60.47 When and by whom appeal may be taken. An application for an appeal inspection of a lot of rice may be made by an interested party who is dissatisfied with the determination stated in the original certificate. An appeal shall be taken (a) before the rice leaves the place where the inspection appealed from was made, (b) before the identity of the rice has been lost, and (c) as promptly as possible, but not later than the close of business on the second business day following the date of the inspection appealed from; however, the rice supervisor may permit the filing of an appeal application after the time prescribed herein upon the showing of fraud, insufficient time, or for other good reason.

§ 60.48 How to obtain appeal inspection. An appeal inspection may be obtained by any interested party, upon filing an application for such appeal inspection in writing, or by telegraph, in the office of the rice supervisor in the district in which the original inspection was made: *Provided*, That in his discretion the officer designated in charge of the rice inspection service may authorize the entertaining of an appeal by a rice supervisor in charge of a District Headquarters other than a rice supervisor having jurisdiction over the district in which the inspection appealed from was made.

§ 60.49 Advance notice of appeal. Any interested party desiring an appeal inspection may, in advance, transmit to the proper District Headquarters, by telegraph, telephone, or otherwise, such information as may be necessary to enable a rice supervisor in such office to proceed to the examination of the rice involved.

§ 60.50 Contents of appeal application. An application for an appeal signed by the appellant, shall state: (a) the identification and location of the rice at the time of taking the appeal; (b) the names and post office addresses of all other parties interested in the rice involved, if any; and (c) such other information as may be required by the rice supervisor in charge of the District Headquarters in which such application is filed.

§ 60.51 Inspection certificate; filing. The appellant may be required to file or cause to be filed, in the District Headquarters referred to in § 60.48, the inspection certificate for the rice involved issued by the inspector from whose inspection the appeal is taken if the same be in his possession. If such certificate be in the custody or control of the inspector, he shall upon request, immediately transmit or deliver it to said office.

§ 60.52 Record of filing appeal. A record showing the date and place of filing an appeal application or other documents pertaining to an appeal shall be made immediately by the receiver thereof. Each application or other document shall be deemed filed in a District Headquarters when delivered thereto.

§ 60.53 When appeal may be dismissed. A rice supervisor may dismiss any appeal filed in his office for non-compliance with the regulations in this part, or if it shall appear (a) that the reasons stated in an application for an appeal inspection are frivolous or unsubstantial, or (b) that the quality or condition of the rice has undergone a material change since the original inspection, or (c) that the rice cannot be made accessible for a thorough examination and

sampling of all parts of the rice inspected. Upon the dismissal or withdrawal of an appeal the inspection certificate filed therein shall be immediately returned to the person by whom filed, or delivered upon his written order. No appeal may be withdrawn after the issuance of an appeal inspection certificate.

§ 60.54 *When appeal may be withdrawn.* Any application for appeal inspection may be withdrawn by the appellant at any time before the appeal inspection certificate referred to in § 60.56 has been issued, upon payment of any expense incurred in connection therewith.

§ 60.55 *Rice supervisor to determine appeals.* The sample or samples of rice involved in an appeal, complying with § 60.60 shall be examined as soon as possible, such tests shall be applied as are necessary, and the documents and all other evidence shall be carefully considered by the rice supervisor in determining the appeal.

§ 60.56 *Appeal inspection certificates, issuance.* Immediately after an appeal inspection has been made a certificate designated as "Appeal Inspection Certificate" shall be issued showing the grade, class, quality, condition, or origin, as the case may be, assigned by the rice supervisor to the lot of rice involved, which certificate shall be the final appeal inspection certificate for the purpose of that inspection. Each appeal inspection certificate shall be numbered and shall, by number or otherwise, identify the certificate which it supersedes.

§ 60.57 *Appeal inspection certificates; disposition.* The original of the appeal inspection certificate, issued by the rice supervisor and marked as such, shall be delivered to the appellant or upon the written order of the appellant. Additional copies may be furnished to the appellant without charge if requested prior to the issuance of the certificate. A copy of each appeal inspection certificate marked as such shall be furnished to each interested party of record other than the appellant, to whom the original appeal inspection certificate is issued. Additional copies may be furnished in accordance with the provisions of § 60.61 (d).

§ 60.58 *Appeal certificate supersedes inspector's certificate.* An appeal inspection certificate shall supersede the inspection certificate from which the appeal was taken and such superseded inspection certificate shall not thereafter represent the grade, class, quality, condition, or origin, as the case may be, of the rice.

§ 60.59 *Right of appeal not to be impaired.* No rule, regulation, bylaw, or custom of any market, board of trade, chamber of commerce, exchange, inspection department, or other organization, nor any contract, agreement, or understanding, shall be ground for refusing to hear and determine any appeal taken in compliance with the Act and regulations in this part.

§ 60.60 *Appeal inspection to be based on representative sample.* No appeal shall be determined except upon the basis of a representative sample or samples of the rice involved. Such samples shall be drawn by a person authorized for the purpose by either the Administrator or the rice supervisor in charge of the District Headquarters in which the appeal is entertained. For the purpose of an appeal no sample shall be deemed representative unless of the size and procured in accordance with the method prescribed in instructions issued by the Administrator.

CHARGES FOR INSPECTION

§ 60.61 *Fees and charges.* Fees and charges for inspection, appeal inspection, and certification as to grade, class, quality, condition, or origin, as the case may be, shall be in accordance with paragraphs (a) to (d) of this section.

(a) *Fees for inspections.* For each inspection of rice a fee according to a schedule of fees approved by the Administrator shall be assessed against the applicant.

(b) *Fees for appeal inspections.* The fee for an appeal inspection shall be in the same amount as the fee assessed for the inspection from which the appeal is taken: *Provided*, That in the case of an appeal from an inspection for grade, no appeal fee shall be assessed if the inspector's grade be changed.

(c) *Charges for traveling and other expenses.* Such additional charges may be made for traveling and other expenses paid and incurred by an inspector or by the Administration in the performance of inspection or appeal inspection services as will reimburse the inspector or the Administration.

(d) *Charges for copies of certificate.* In addition to the copies of certificates provided for in § 60.26, additional copies of certificates may be furnished to the applicant or upon his order; and in the case of appeal inspection certificates provided for in § 60.57, additional copies may be furnished to any interested party of record in the appeal, or upon his order. For such additional copies a reasonable charge may be made for each copy, but the maximum charge for each such copy shall not exceed twenty-five cents.

§ 60.62 *How fees and charges shall be paid.* Fees and charges for inspections

and appeal inspections of rice shall be paid in accordance with the provisions of paragraphs (a), (b), and (c) of this section and in advance if required by the inspector or by the rice supervisor.

(a) *Inspections by Department employees.* Fees and charges for inspections made by inspectors who are employees of the Department and acting exclusively for the Administration shall be paid by the applicant by check, draft, or money order payable to the Treasurer of the United States and remitted promptly to the Administration.

(b) *Inspections under cooperative agreements.* Fees and charges for inspections made by inspectors employed and licensed under a cooperative agreement between the Administration and a person, or a State or other agency shall be paid by the applicant and disposed of in accordance with the terms of such agreement.

(c) *Appeal inspections.* Fees and charges for appeal inspections shall be paid by the appellant by check, draft, or money order payable to the Treasurer of the United States and remitted promptly to the Administration.

MISCELLANEOUS

§ 60.63 *Fraud or misrepresentation.* Any wilful misrepresentation or any deceptive or fraudulent practice made or committed by any person in connection with the making or filing of an application for inspection or appeal or any wilful violation of the regulations in this part may be deemed sufficient cause for debarment from any further benefits of the Act the person found guilty thereof, after opportunity for hearing has been accorded him and, pending investigation and hearing, the Administrator may, without hearing, direct that such person shall be denied the benefits of the Act. The facts and circumstances with respect to any such wilful misrepresentation or deceptive or fraudulent practice may be published.

§ 60.64 *Publications.* Publications under the Act and the regulations in this part may be made in the FEDERAL REGISTER, the Service and Regulatory Announcements of the Administration, and/or such other media as the Administrator may approve for the purpose.

§ 60.65 *Political activity.* All inspectors authorized, either by appointment or license from the Secretary to issue inspection certificates under the Act and the regulations in this part are forbidden, during the period of their appointment or license to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be

voted upon, is prohibited. This applies to all appointees, including temporary and cooperative employees, and employees on leave of absence with or without pay. Wilful violation of this section will constitute grounds for dismissal in the case of appointees, and revocation of licenses in the case of licensees.

§ 60.66 *Identification.* All inspectors and samplers shall have in their possession at all times, and be able to present upon request, while on duty appropriate means of identification.

Done at Washington, D. C., this 12th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-11877; Filed, November 13, 1942;
11:37 a. m.]

PART 942—MILK IN THE NEW ORLEANS, LOUISIANA, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Order suspending certain provisions of § 942.5 (a) (1) of the order,¹ as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area.

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (7 U. S. C. 1940 ed. 601 et seq.), hereinafter referred to as the "Act", and the provisions of the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area, it is hereby determined that the provisions of such order which provide that the price of Class I milk disposed of under a program approved by the Secretary of Agriculture for the sale or disposition of milk to low income consumers, including persons on relief, shall be a price which is less than the established price of Class I milk, are provisions which obstruct and do not tend

to effectuate the declared policy of the Act with respect to the producers of milk defined in the said order.

It is, therefore, ordered, That the provisions of § 942.5 (a) (1) of the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area, which relate to the price to be paid by handlers for Class I milk disposed of under a program approved by the Secretary of Agriculture for the sale or disposition of milk to low income consumers, including persons on relief, shall be, and hereby are, suspended, effective as of 12:01 a. m., c. w. t., November 15, 1942.

Done at Washington, D. C., this 13th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] THOMAS J. FLAVIN,
Assistant to the
Secretary of Agriculture.¹

[F. R. Doc. 42-11878; Filed, November 13, 1942;
11:37 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

WAGE STABILIZATION IN BUILDING

§ 803.12 *General Order No. 13.* (a) As provided in Title III, section 3, of Executive Order No. 9250² the Wage Adjustment Board of the Building Construction Industry established by the Secretary of Labor's Administrative Order No. 101 shall continue to perform the duty ascribed to it by that order as amended by Supplement No. 1 and by the Wage Stabilization Agreement of May 22, 1942, between the Building and Construction Trades Department of the American Federation of Labor and several Government agencies. As provided in the agreement, rates are to be revised

¹ Acting Pursuant to Authority Delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 7 F.R. 2656).

² 7 F.R. 7871.

above the July 1, 1942, levels only where those rates are inadequate because:

(1) They were fixed at a time so long before July 1, 1942, as to be out of line with the general wages then prevailing;

(2) They were applicable in a locality where changing conditions in the building construction industry require a revision of wage rates; or

(3) They do not sufficiently take into account any abnormal changes in conditions.

(b) In the performance of this duty the Wage Adjustment Board shall take no action which is inconsistent with the terms of Executive Order No. 9250.

(c) Any recommendation of the Wage Adjustment Board directed to the parties for a change in wage rates shall be transmitted to the National War Labor Board and shall become a final order of the National War Labor Board seven days after filing unless in the interim the National War Labor Board determines that the recommendation should be stayed for the purpose of review or should be put into operation subject to review. If the National War Labor Board assumes review, it shall enter its order confirming the recommendation of the Wage Adjustment Board or remanding the case to the Wage Adjustment Board for further consideration. The Wage Adjustment Board may refer to the National War Labor Board or the National War Labor Board may bring up on its own motion, any recommendation of the Wage Adjustment Board directed to the parties in order to determine whether the action is inconsistent with the terms of Executive Order No. 9250.

(d) Unless and until otherwise ordered this order shall apply only to wage adjustments in contracts which were entered into prior to November 5, 1942, or which are otherwise excluded from the operation of Maximum Price Regulation 251 of the Office of Price Administration.

(E.O. 9250, 7 F.R. 7871)

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-11868; Filed, November 13, 1942;
11:29 a. m.]

¹ 7 F.R. 3113.

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1691]

PART 327—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 7

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 7 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 7.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and
No petitions of intervention having been filed with the Division in the above-entitled matter; and
The following action being deemed necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 327.21 (*High volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R-II, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members—Supplement R-I*

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub-district No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group Nos.									
								1	2	3	4	5	6	7	8	9	10
323 84	Edmor Coal Co. Fire Creek Fuel Co.	Edmor #2 Hunter #2	3 5	Poca #3 Fire Creek	Northfork, W. Va. Jonben, W. Va.	N&W Vgn.	20 14	(f) D	(f) D	(f) C	(f) A	(f) A	B B	B C	(f) B	(f) B	(f) B

*When shown under a Size Group Number, this symbol indicates coals previously classified in this Size Group.

§ 327.21 *High volatile coals: Alphabetical list of code members—Supplement R-II*

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Sub- dis- trict No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.																						
								For destinations other than Great Lakes										For Great Lakes cargo only												
								1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	1, 2	3, 4	5, 6	7	8	9	10
255	Deepwater Coal Co.	Deepwater	No. 2 Gas	2	Deepwater, W.Va.	Vgn.	15	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)

† When shown under a Size Group Number, this symbol indicates no classification effective for this size group.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered. The price classifications and minimum prices set forth in the schedules attached are based upon the price classifications and minimum prices in effect on October 1, 1942 for comparable and analogous coals and already reflect the changes, if any, made in minimum prices by the Acting Director's Order of August 28,

1942. That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the schedules attached are based upon the price classifications and minimum prices in effect on October 1, 1942 for comparable and analogous coals and already reflect the changes, if any, made in minimum prices by the Acting Director's Order of August 28,

1942, 7 F.R. 6943, in General Docket No. 21. Except as otherwise stated herein, the minimum prices in the attached Schedules do not differ, except in this regard, from the minimum prices proposed by petitioner.

The coals of the Deepwater Mine, Mine Index No. 265, of the Deepwater Coal Company, have not been given a classification of C for Size Group 27 as requested by petitioner, but have been given a classification of E for Size Group 27 for the reason that the coals of the Beards Fork Mine of the Eastern Gas and Fuel Associates (Koppers Coal Company), Mine Index No. 15, an adjacent mine, are analogous with the coals of the Deepwater Mine and have a classification of E for Size Group 27 established therefor.

Dated: November 2, 1942.

(SEAL) DAN H. WHEELER,
Director.

amended by adding thereto Supplement R-II, and § 343.21 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty

(60) days from the date of this order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the attached Schedule marked Supplement R-I, R-II and T are based upon the price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and reflect the changes, if any, made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. Except as otherwise stated herein, the minimum prices in the attached Schedule do not differ, except in this regard, from the minimum prices proposed by petitioner.

Dated: November 3, 1942.

[SEAL]

DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 23

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 343, Minimum Price Schedule for District No. 23, and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

The following price classification and minimum prices shall be inserted in the Schedule of Effective Minimum Prices for District No. 23:

§ 343.4 *Code member price index*—Supplement R-I. Insert the following listing in proper alphabetical order:

Producer	Mine	Mine index No.	Seam	County	Shipping point	Sub-district price group	Railroad	F. O. G. No.	Prices	
									Rail	Truck
Buffalo Coal Co., Inc.	Buffalo Coal Co.	169	Nos. 1, 2, 3, 4, and 5.	3rd Division, Alaska.	Premier.	"T"...	Alaska..	90	\$ 343.5	\$ 343.21

§ 343.5 *General prices; minimum prices for shipment via rail transportation*—Supplement R-II.

[Minimum F. O. B. mine prices in cents per net ton for shipment via rail transportation into market areas shown]

Insert under Subdistrict "T" the following code member name, mine name, mine index number, price classifications and minimum prices:

Subdistrict "T" Alaska. Buffalo Coal Co., Inc., Buffalo Coal Co. Mine (Mine Index No. 169).

Market areas	Size groups				
	2	4	10	15	19
1-21, 100-102, 105-112, 118, 125-129, 131, 133-137, and 139-141.	620	445	520	345	420
22-31, 70, 72, 74, 103, 104, 114-116, 151-157, and 204-212.	610	435	510	335	410
32-41, 47-50, 52-59, 71, 73, 75-78, 203, 215, 216, 234, 237 (Idaho), 240, and 241.	605	430	505	330	405
42-46, 200-202, 213, 214, 217-232, 236, and 244-246.	615	440	515	340	415
113, 117, 120-124, 130, 132, 142, 143, 145-148, and 150.	630	455	530	355	430
237 (Washington), 238, 239, 242, 243, and 247-254.	625	450	525	350	425

FOR TRUCK SHIPMENTS

§ 343.21 *General prices*—Supplement T. Insert under Subdistrict "T" Alaska in proper alphabetical order the follow-

ing Code Member name, mine name, mine index number, county, and minimum prices:

[Prices in cents per net ton for shipment into all market areas]

Code member mine name	County	Size groups—				
		2	4	10	15	19
SUBDISTRICT "I"						
Buffalo Coal Co., Inc., Buffalo Coal Co. Mine (Mine Index No. 169).	3rd Division, Alaska.	625	450	525	350	425

[F. R. Doc. 42-11841; Filed, November 12, 1942; 11:03 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-141]

GREATER BUFFALO PRESS, INC.

The Greater Buffalo Press, Inc., Buffalo, New York, is engaged in the printing business. Although it had not used any organic pigments in the manufacture of printing ink during the year 1941, between March 30 and July 1, 1942, operating under the assumed name of

Chemical Process and Supply Company, the Company accepted deliveries of and used in the manufacture of printing ink approximately 4,000 pounds of yellow organic pigment and 4,000 pounds of red organic pigment. This constituted a violation of Conservation Order M-53.

During the months of July and August, 1942, the Company used, in the manufacture of printing ink, approximately 4,400 pounds of red organic pigment, 14,000 pounds of yellow organic pigment, and 7,200 pounds of blue organic pigment. This constituted a violation of Conservation Order M-53 as amended June 29, 1942. The Company at all times was fully aware of the restrictions contained in Conservation Order M-53.

These violations of Conservation Order M-53 have hampered and impeded the War effort of the United States by diverting organic pigments to uses unauthorized by the War Production Board. In view of the foregoing, It is hereby ordered, That:

§ 1010.141 *Suspension Order No. S-141.* (a) Deliveries of material to The Greater Buffalo Press, Inc., its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to The Greater Buffalo Press, Inc., by means of Preference Rating Certificates, Preference Rating Orders, General Preference Orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to The Greater Buffalo Press, Inc., its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this Order shall be deemed to relieve The Greater Buffalo Press, Inc. from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect November 14, 1942, and shall expire on May 14, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11852; Filed, November 12, 1942; 1:58 p. m.]

PART 1119—METAL PLASTERING BASES AND METAL PLASTERING ACCESSORIES

[Limitation Order L-59-b]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of steel, zinc, and other metals for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1119.3 *Supplementary Limitation Order L-59-b*—(a) *Definitions*. For the purpose of this order:

(1) "Metal plastering base" means any support or reinforcement, made in whole or in part of metal which is of a type commonly used as a base for the application of interior or exterior plastering or stucco construction, including, but not limited to, the following: expanded metal lath, metal stucco mesh, sheet metal lath, wire lath, wire cloth, wire fabric (whether woven or welded) and any of the foregoing in combination with any other of the foregoing or with paper, fabric or other backing.

(2) "Metal plastering accessory" means any article (other than a metal plastering base, a nail or clips or any device for holding plaster base other than metal plastering base), which is of a type commonly used as a guide, support, reinforcement or means of attachment for metal plastering bases or other plaster bases, and which is made in whole or in part of metal including, but not limited to, the following: corner lath (cornerite), corner beads, base screed, corner bead clips, tie wire, metal partition studs, floor and ceiling track for partitions, steel plastering shapes such as channels and rods, and concealed picture mold and trim to be applied before plastering.

(b) *General restrictions*. On and after the 16th day of November, 1942, notwithstanding any contract, agreement or preference rating, no person shall manufacture or fabricate any metal plastering base or metal plastering accessory except metal plastering base to fill an order from the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration when such metal plastering base is required by specifications (including performance specifications) applicable to such order.

Nothing in this order shall supersede the directive for wartime construction, dated May 20, 1942, issued by the Chairman of the War Production Board, the Secretary of War and the Secretary of the Navy, or the "List of Prohibited Items for Construction Work", dated June 29, 1942, issued by the Army and Navy Munitions Board as amended from time to time.

(c) *Reports*. Each person to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as said board shall from time to time request.

(d) *Violations*. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any depart-

ment or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(e) *Appeals*. Any appeal from the provisions of this order shall be filed on Form FD-500 with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(f) *Applicability of priorities regulations*. This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(g) *Routing of correspondence*. Reports to be filed and communications concerning this order, other than appeals, shall be addressed to the War Production Board, Building Materials Branch, Washington, D. C. Ref: L-59-b.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of November 1942.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 42-11862; Filed, November 13, 1942; 10:52 a. m.]

PART 3031—WALL PAPER

[General Limitation Order L-177]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export, of paper, inks, chemicals and other material and facilities used in the manufacture and distribution of Wall Paper and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3031.1 *General Limitation Order L-177*—(a) *Applicability of priorities regulations*. This order (and any schedule pursuant thereto) and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time.

(b) *Definitions*. For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, or organized group of persons, whether incorporated or not.

(2) "Manufacturer" means any person who manufactures or processes wall paper.

(3) "Wall paper" shall include all paper designed for use as a covering for the ceiling or walls of rooms, which is manufactured or produced by printing on paper or fabric with oil, water, or other coloring materials, and/or by the embossing or pressing of designs on paper.

(4) "Distributor" shall include any person who sells wall paper to any person for resale; and shall further include any person who offers wall paper for sale by means of the distribution of sample books to the ultimate consumer by mail, or otherwise.

(c) *Schedule for the simplification and standardization of wall paper*. (1) No person shall sell, deliver, purchase or otherwise acquire any base paper stock for the manufacture of wall paper unless the same shall conform to the specifications set forth in Schedule 1 which is made a part of this order.

(2) No person shall process or manufacture any base paper stock into wall paper except in conformity with the specifications set forth in said Schedule 1.

(d) *Amendments to schedule*. The Director General for Operations from time to time may issue such amendment or amendments to Schedule 1 of this order as he deems necessary.

(e) *Reports*. Each manufacturer and distributor shall file such reports as may be required from time to time by the Director General for Operations.

(f) *Records*. All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning their manufacture, processing and/or distribution of wall paper.

(g) *Appeals*. Any person affected by this order or any schedule issued pursuant thereto who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared to the amount of materials conserved or that compliance with this order or such schedule would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(h) *Communications to War Production Board*. All reports required to be filed hereunder, and all communications concerning this order, shall unless otherwise directed, be addressed to: War Production Board, Printing and Publishing Branch, Washington, D. C., Ref.: L-177.

(i) *Violations*. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries, or from process or use, of material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E. O. 9125,

7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

**SCHEDULE 1 TO GENERAL LIMITATION ORDER
L-177**

SPECIFICATIONS AND PRACTICES FOR MANUFACTURE OF WALL PAPER

(a) *Definitions.* For the purposes of this schedule:

(1) All trade words, phrases and terms used herein shall be construed as commonly understood in the wall paper trade.

(b) *General limitations on wall paper manufacture—(1) Patterns.* New wall paper patterns (those not previously used in production by any manufacturer) shall be limited to 60% of the total number of patterns employed in the 1941-1942 lines of each manufacturer.

(2) *Paper limitations.* In the manufacture of wall paper for the 1942-43 season, no manufacturer shall:

(i) Purchase or otherwise acquire, or put in process paper stock in excess of fifty percent (50%) of the total tonnage of paper stock consumed by him in the production of wall paper in the 1941-42 season.

(ii) Exceed the 1941-42 percentage ratio of the usage of ground-wood free paper stock in relation to his total tonnage consumption of paper stock.

(iii) Use paper stock which will exceed 19 1/4" in width to trim to 18".

(iv) Use paper stock in excess of base weight of paper stock theretofore employed by him in the manufacture of his line.

(3) *Exception.* All paper stock acquired prior to the date of this order, and in the possession of the manufacturer on said date, is specifically excepted from the provisions of subdivisions (ii), (iii) and (iv) of paragraph (b) (2).

(c) *Styles sampled.* All manufacturers and distributors of wall paper shall reduce the number of styles in their 1942-1943 line or lines of sidewall and ceiling wall paper (including specials) in accordance with the following schedule of percentage reductions:

Number of styles of sidewall and ceiling wall paper samples in the 1941-1942 line or lines (including all specials)		Required percentage reduction of styles to be sampled in the 1942-1943 line or lines (including all specials)
By manufacturers	By distributors	
First 400.....	First 200.....	10%
Next 200.....	Next 100.....	15%
Next 200.....	Next 100.....	20%
Next 200.....	Next 100.....	25%
All additional.....	All additional.....	30%

Provided however, That any manufacturer or distributor who reduced the number of styles of sidewall and ceiling wall paper sampled in his 1941-1942 line or lines (including specials) 25% or more from the number of such styles sampled in his 1940-1941 line or lines, may employ the average number of such styles sampled in his 1940-1941 and 1941-1942 line or lines as the base for computing the permissible number of styles to be sampled in his 1942-1943 line or lines, in accordance with the foregoing schedule of percentage reductions.

(d) *Sample books.* In his 1942-1943 line or lines, each manufacturer and/or distributor of wall paper may cut up only such total number of rolls of wall paper for the making of sample books, as results from a reduction of the total cut up for his 1941-1942 line or

lines by the same percentage of overall reduction of the number of styles required by paragraph (c) hereof. *Provided however,* That such reduction in the number of rolls of wall paper shall not apply to books of selection, but no more than five (5) copies of any book of selection may be prepared.

(e) *Color usage.* (1) No manufacturer, in his 1942-1943 line or lines, shall exceed the following color limitations of red, green, blue and yellow colored grounds (including pad grounds and full chokes), whether organic or inorganic colors, set forth in "Munsell Book of Color, Abridged" (1929 edition).

Wall paper ground color class	Munsell hue designation	Minimum value permissible	Maximum chroma permissible
Rose red.....	7.5P-10RP	6	8
Orange red.....	2.5R-10R	6	8
Yellow.....	2.5Y-10Y	8	6
Green.....	2.5G-10BG	7	4
Blue.....	2.5B-5.0P	5	5

(2) In his 1942-1943 line or lines, each manufacturer may produce only such total number of styles in each classification of colored grounds (set forth in subparagraph (1) of this paragraph (e)) as results from a reduction of the total produced in his 1941-1942 line or lines by the same percentage of overall reduction of the number of styles required by paragraph (c) hereof.

(3) *Metallic inks.* No manufacturer may use any aluminum or bronze powder, paste, ink or leaf in the manufacture of wall paper for his 1942-1943 line or lines. *Provided, however,* That this provision shall not operate to prevent any person from disposing of inventories of such processed wall paper from his 1941-1942 line or lines.

[F. R. Doc. 42-11863; Filed, November 13, 1942; 10:52 a. m.]

PART 3061—STEEL SHIPPING DRUMS

[Amendment 3 to Limitation Order L-197¹]

Subparagraph (5) of paragraph (c) of Limitation Order L-197 (§ 3061.1) is hereby amended to read as follows:

(5) Notwithstanding the provisions of paragraph (c) (4), any person who owns a drum which is not required to be embossed or marked with the letter X pursuant to paragraphs (c) (1) and (c) (2) of this order, whether such drum is in his possession or is hereafter returned to him by another person, may use such drum for packing any of the materials listed in said paragraph (c) (4), so long as he retains ownership of such drum; but the provisions of said paragraph (c) (4) shall become applicable as soon as he sells such drum.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11864; Filed, November 13, 1942; 10:52 a. m.]

¹ 7 F.R. 7237, 7342, 8638.

Chapter XI—Office of Price Administration

PART 1300—PROCEDURE

[Procedural Regulation 11]

NOTICE OF INCREASES IN RATES AND CHARGES OF COMMON CARRIERS AND OTHER PUBLIC UTILITIES

Pursuant to the authority conferred by the Emergency Price Control Act of 1942, as amended, including sections 1, 2 and 7 (b) of the Act to Amend the Emergency Price Control Act of 1942, to Aid in preventing inflation and for other purposes, by Executive Order No. 9250¹ dated October 3, 1942, and Directive No. 1 of the Director of Economic Stabilization,² the following rules are prescribed for the filing of notices of proposed general increases in rates or charges of common carriers and other public utilities.

§ 1300.901 *Definition.* For the purpose of this Procedural Regulation No. 11, a general increase in the rates or charges of a common carrier or other public utility is defined as any change in its rates, fares, classifications, rules, regulations or practices which results in an increase in the charges for transportation or other public utility service applicable to a class of passengers, shippers or customers, including increases in wholesale or industrial rates or charges for public utility services, as distinguished from an increase of rates or charges applicable to a particular customer or transportation service under special arrangement.

§ 1300.902 *General requirements with respect to notices.* Thirty (30) days before the effective date of a general increase in the rates or charges of any common carrier or other public utility, there shall be filed with the Transportation and Public Utilities Division of the Office of Price Administration, Washington, D. C., two copies of notice of such proposed increase, except as otherwise provided in paragraphs (d) and (e) of § 1300.904. Such notices shall be deemed to have been filed when received in the Office of such Division. If authority for the establishment of any such increase is required by any regulatory agency, notice shall be given on or before the time such authority is sought in order that the Price Administrator may have timely opportunity to intervene, but in no event shall such notice be given less than 30 days before such proposed increased rates or charges are to become effective. All notices shall state the name and address of the Federal, State or municipal authority having jurisdiction over the rates or charges in question.

Each such notice shall contain a statement that the common carrier or other public utility consents to the timely intervention by the Price Administrator, on behalf of the Director of Economic Stabilization, before the Federal, State or municipal authority having jurisdiction to consider such increase.

One copy of each notice must be over the signature of an executive officer, a responsible traffic officer, or a duly au-

¹ 7 F.R. 7871.

² 7 F.R. 8758.

thorized attorney or agent of the carrier or other public utility. Duly authorized officers of corporate agents shall sign on behalf of such agents. The person signing the notice shall certify that the information contained therein is true to the best of his knowledge, information and belief.

§ 1300.903 *Contents of notice filed by common carriers other than common carriers included in § 1300.904.* (a) Notice filed by common carriers other than common carriers included in § 1300.904 shall show the names and addresses of the carriers on whose behalf the notice is filed, except that in case of a notice filed by an agent or agents on behalf of a group of carriers, parties to a tariff filed with a federal agency, reference may be made to such tariffs wherein is shown the names of the carriers for whom such agent is acting. In case of notice filed by an agent or agents on behalf of a group of carriers, parties to a tariff not filed with a federal agency, one copy of such tariff showing the names and addresses of such carriers may be submitted.

In cases other than those specified in paragraph (c), the notice shall contain a reference to the tariffs filed with a regulatory authority having jurisdiction, or, in lieu thereof, a statement of specific changes proposed.

(b) Notice of increases of the character set forth in paragraph (c) shall also contain the information indicated below:

(1) The present and proposed rates, fares, charges, classifications, practices, rules or regulations, the commodities affected, the minimum weight and the points between which the changes apply shall be shown: *Provided*, That where it is proposed to increase a large number of rates, fares or charges, the notice instead of showing each specific change may show the present and proposed rates, fares, or charges between typical points; *Provided further*, That where it is proposed to change a rule a clear statement of the effect of the change shall be made.

(2) If the proposed rates, fares or charges are predicated on the proceedings or order of a regulatory agency having jurisdiction over those rates, the notice shall so indicate by proper reference to each proceeding.

(3) A statement of the reasons for the increases sought to be established shall be submitted with the notice. There may be submitted as a part of such statement an estimate of the volume of movement under the rates proposed to be increased when that information is available, and comparisons of the present and proposed rates with comparable rates of other carriers or with other rates of the carrier filing the notice.

(4) Upon request of the Office of Price Administration, the tariff or rate sheet authorities of the present rates, ratings or rules shall be indicated as well as the tariff or rate sheets in which the proposed rates, ratings or rules will be published.

(c) The information set forth in paragraph (b) shall be filed in every case

where the proposed general increase is of the following nature:

(1) An increase of general application within a recognized rate territory, or between such territories; or

(2) An increase having application from or to numerous points of origin or designation; or

(3) An increase in a proportional rate or rates which by application in connection with other rates, apply from or to numerous points of origin or destination; or

(4) An increase in a rate or rates between points which are related to rates applying from or to other points which on the whole apply from or to numerous points of origin or destination; or

(5) An increase in a rate or rates between two or more points on one or more commodities or class of passengers when the transportation between such points constitutes a substantial part of the business of the carrier.

§ 1300.904 *Contents of notice of proposed increase in rates and charges of public utilities.* (a) For the purpose of this section the term public utility shall include the following: Any person, firm, corporation (private or public), engaged in the production, transmission, or sale of electric energy, gas (whether natural, artificial, or mixed) water, or heat; or in the transportation or transmission of electric energy, gas, water, or heat; or in the transmission of messages, communications, or other intelligence by telephone, telegraph, cable, radio, or other wire or wireless conductors or appliances, as a common carrier for hire; or in the transportation as common carrier of passengers by street railway, trolley, bus or motor vehicle in urban areas.

(b) The notice filed by a public utility shall be accompanied by a copy of each application or petition submitted to any regulatory agency in support of the request for such increase in rates or charges.

(c) The following information or data shall be submitted with each notice filed by a public utility, except as provided in paragraphs (d) and (e): *Provided*, That if such information or data is furnished pursuant to the requirements of § 1300.902 above, it need not be furnished in duplicate under this paragraph:

(1) A statement of the reasons for the proposed increase;

(2) A comparison of the existing and proposed rates or charges;

(3) A statement indicating the class or classes of customers affected, and the approximate number of each such class; and the community or communities, or territory affected;

(4) An estimate of the probable sales and revenue under the proposed rates or charges for a period of twelve months after the increase becomes effective;

(5) Detailed income statements for the two calendar years preceding the filing of the application or petition, and an income statement for as much of the current years as is available;

(6) Balance sheets as of the end of the calendar year preceding the filing of the application or petition, and also as of the

latest date for which such balance sheets are available;

(7) A statement of federal income taxes paid or accrued during the calendar year 1939 and each calendar year thereafter, including the current year;

(8) A statement, if available, showing the original cost of the facilities used, and useful in furnishing the service for which increased rates or charges are proposed.

(d) Local telephone companies having five hundred or less stations shall not be required to file the information or data specified in subparagraphs (4) to (8), inclusive of paragraph (c) above, excepting the filing of the latest available annual income statement.

(e) Taxi cabs or taxi cab companies shall serve notice upon the nearest state or district office of the Office of Price Administration and shall not be required to furnish information set forth in subparagraphs (4) to (8), inclusive, of paragraph (c), except the filing of the latest available annual income statement.

§ 1300.905 *Supplementary orders.* The Administrator may issue such supplementary orders as may be required to effectuate the purposes of this regulation.

§ 1300.906 *Effective date.* This Procedural Regulation No. 11 (§§ 1300.901 to 1300.906, inclusive) shall become effective November 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871 and Dir. No. 1, 7 F.R. 8758)

Issued this 12th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-11853; Filed, November 12, 1942; 3:42 p. m.]

PART 1499—COMMODITIES AND SERVICES [Amendment 61 to Supp. Reg. 14¹ of GMPR¹]

OIL MEALS AND OIL CAKES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.* A new subparagraph (44) is added to paragraph (a) of § 1499.73 as set forth below.

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

(44) *Oil meals and oil cakes*—(i) *Maximum prices for sales by a person other than a processor of oil meals and oil cakes.* Maximum prices for sales of oil meals and oil cakes by a person other

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 9196.

² 7 F.R. 8942.

than a processor are hereby modified as follows:

(a) *Sales by a jobber; profit margin over cost.* A jobber may charge the maximum profit margin or markup of 50¢ per ton.

(b) *Sales by a wholesaler; profit margin over cost.* If a wholesaler purchases from a processor, his maximum profit margin or markup shall be \$2.50 per ton. If a wholesaler purchases from a jobber, his maximum profit margin or markup shall be \$2.00 per ton.

(c) *Sales by a retailer; profit margin over cost.* If a retailer purchases from a processor, his maximum profit margin or markup shall be \$5.50 per ton. If a retailer purchases from a jobber, his maximum profit margin or markup shall be \$5.00 per ton. If a retailer purchases from a wholesaler, his maximum profit margin or markup shall be \$3.00 per ton.

(d) The maximum profit margins over cost specified in inferior subdivisions (a), (b), (c) above may be charged only once, that is to say, on sales between jobbers or between wholesalers or between retailers, the applicable markup can be added only once.

(ii) *Maximum prices for sales in sacks.* Where the jobber, wholesaler, or retailer buys oil meal or oil cake unsacked and resells the same sacked, he may add to his maximum price as specified in subdivision (i) above, the replacement cost of sacks: *Provided*, That the total charge does not exceed \$3.50 per ton.

(iii) *Maximum prices for sales of imported oil meals and oil cakes.* Where the jobber, wholesaler, or retailer buys or imports oil meal or oil cake, he may add the actual duties paid plus an additional 50¢ per ton to his maximum price as specified in subdivisions (i) and (ii) above.

(iv) *Profit margin includes all charges.* The profit margin as specified in inferior subdivisions (a) (b), (c) hereof include, and no increase or charges shall in any manner be made for, brokerage, commissions, storage, insurance, extension of credit, carrying charges, handling charges, or any other charges of any nature whatsoever.

(v) *Cost.* The cost to which the above specified profit margins may be added is as follows:

(a) In the case of the jobber, cost shall mean the actual price paid by him for each individual purchase. The price paid by the jobber's buyer (wholesaler or retailer, as the case may be) may include all applicable transportation charges provided that under no circumstances shall the jobber's profit margins or markup exceed 50¢ per ton.

(b) In the case of the wholesaler, the weighted average delivered price to him on deliveries at his warehouse or place of business for the period October 1, 1942, to October 31, 1942, both inclusive, shall be his cost for the period November 1, 1942, to November 30, 1942, both inclusive. For each month preceding November, 1942, his cost shall be the weighted average delivered price to him at his warehouse or place of business during the preceding calendar month. If no deliveries were made in any month the cost shall be determined in the man-

ner aforesaid on the basis of deliveries during the last preceding month in which deliveries were made. The price paid by the wholesaler's buyer (the retailer) may include all applicable transportation charges from the wholesaler's warehouse or place of business to the place designated by the retailer: *Provided*, That under no circumstances shall the wholesaler's profit margin or markup exceed, if he purchased from a processor, \$2.50 per ton, or, if purchased from a jobber, \$2.00 per ton.

(c) In the case of the retailer, the weighted average delivered price to him at his receiving point or points for the period October 1, 1942, to October 31, 1942, both inclusive, shall be his cost for the period November 1, 1942, to November 30, 1942, both inclusive. For each succeeding month after November 1942 his cost shall be the weighted average delivered price at his warehouse or place of business during the preceding calendar month. If no deliveries were made in any month the cost shall be determined in the manner aforesaid on the basis of deliveries during the last preceding month in which deliveries were made. Under no circumstances shall the retailer add any transportation charge from his receiving point to his buyer and under no circumstances shall the retailer's profit margins or markup exceed if he purchased from a processor \$5.50 per ton, or, if he purchased from a jobber, \$5.00 per ton, or, if he purchased from a wholesaler, \$3.00 per ton.

(vi) *Definitions.* For the purposes of this subparagraph (44) the following terms shall have the following meanings:

(a) "Processor" means any person who by expeller, extraction or hydraulic process removes oil from soybeans, flaxseed, cottonseed, peanuts, sesame seeds, ivory nuts, palm kernels, coconuts, or other vegetable oil bearing materials, and in that process produces an oil meal or oil cake.

(b) "Jobber" or "dealer" means a person who buys oil meal or oil cake, whether in carlots, or less than carlots, and resells the same without unloading into a warehouse.

(c) "Wholesaler" means a person who buys oil meal or oil cake and unloads his purchase into a warehouse and resells the same, except at retail.

(d) "Retailer" means a person who buys oil meal or oil cake and resells the same to a feeder or ultimate user.

(e) "Oil meal or oil cake" means the oil meal or oil cake produced in the manner hereinbefore described under the definition of processor.

(f) All other terms used in the subparagraph (44) shall have the meanings ascribed to them in § 1499.20 of this General Maximum Price Regulation.

(vii) *Records and reports.* Every person making a sale or purchase of oil meals or oil cakes in the course of trade or business shall keep for inspection by the Office of Price Administration for so long a period as the Emergency Price Control Act of 1942, as Amended, remains in effect, complete and accurate records of each such sale or purchase showing: (a) the date thereof, (b) the name and address of the buyer and seller,

(c) the product and the quantity bought or received, (d) the price charged and the method of computing it, listing separately all items of transportation charges and the mode of transportation. Such persons shall submit such reports to the Office of Price Administration, and keep such other records in addition to or in place of the records hereinbefore required, as the Office of Price Administration may from time to time direct.

(viii) The provisions of this subparagraph (44) shall be applicable to the forty-eight states of the United States and to the District of Columbia.

(b) *Effective dates.*

(62) Amendment No. 61 (§ 1499.73 (a) (44)) to Supplementary Regulation No. 14 of the General Maximum Price Regulation shall become effective November 12, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 12th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-11854; Filed, November 12, 1942; 3:42 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Ration Order 1A]

TIRES, TUBES, RECAPPING, AND CAMELBACK

Correction

An incorrect line appeared in § 1315.804 (c) (4) on page 9173 of the issue for Tuesday, November 10, 1942. The subparagraph should read as follows:

(4) *Allotment of Grade III tires.* Any manufacturer or dealer may, in exchange for an appropriate certificate (OPA Form R-46) transfer the number of Grade III tires authorized thereon to a dealer. No manufacturer or wholesaler who has a supply of Grade III tires of the size ordered may refuse to transfer them to a dealer who presents a certificate for an allotment of Grade III tires (OPA Form R-46) if the dealer's order is accompanied with cash or its equivalent. A manufacturer or wholesaler shall fill all accepted orders for Grade III tires received on one day before filling any orders received on any subsequent day.

PART 1309—COPPER

[RPS 12, Amendment 4]

BRASS MILL SCRAP

A statement of the considerations involved in the issuance of this Amendment No. 4 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1309.19 (e) (2) is revoked and a new § 1309.19 (e) (2) is added to read as set forth below:

*Copies may be obtained from the Office of Price Administration.

17 F.R. 1234, 1836, 2132, 3520, 5515, 8650.

§ 1309.19 Appendix A: Maximum prices. * * *

(e) Exceptions. * * *

(2) Specially prepared brass mill scrap.

(i) Paragraphs (a), (b) and (c) of this section do not apply to sales or deliveries of specially prepared brass mill scrap to a person other than a brass mill, a brass and bronze ingot maker, or a copper smelter or refiner.

(ii) The maximum price for specially prepared brass mill scrap sold or delivered to a person other than a brass mill, a brass and bronze ingot maker or a copper smelter or refiner shall be a price hereafter established in writing by the Office of Price Administration. The price so established shall be a price in line with the general level of prices established by this Revised Price Schedule No. 12 taking into account the applicant's special requirements and the additional cost to the seller involved in preparing material to meet these requirements.

(iii) Any person other than a brass mill, a brass and bronze ingot maker or a copper smelter or refiner desiring to purchase specially prepared brass mill scrap may apply to the Office of Price Administration for the establishment of a price that such person may pay for such scrap. Such application shall be in writing, shall be signed and sworn to by the applicant or by an authorized officer or partner of the applicant, shall be filed with the Copper, Aluminum and Ferro-Alloys Branch of the Office of Price Administration, Washington, D. C., and shall state:

(a) The name and address of the applicant.

(b) The nature of applicant's business.

(c) The purpose for which applicant will use the material which he desires to purchase.

(d) The name and address of the proposed seller or sellers.

(e) The date of issuance and an identification of the War Production Board authority permitting applicant to purchase brass mill scrap.

(f) A detailed statement of applicant's specifications for the material.

(g) A description of the manner in which the material has been specially prepared.

(h) To the extent possible, a statement of the additional expense to the seller in preparing the material for the applicant's use.

(i) If the applicant purchased the material prior to July 11, 1941, a statement of the price normally paid by the applicant.

(j) The proposed price f. o. b. point of shipment.

§ 1309.18a Effective dates of amendments. * * *

(d) Amendment No. 4 (§§ 1309.19 (e) (2) and 1309.18a (d)) to Revised Price Schedule No. 12 shall become effective November 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11886; Filed, November 13, 1942; 11:55 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Amendment 17 to RPS 53¹]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1351.151 (b) (11) is amended by the addition of subdivision (vii).

§ 1351.151 Maximum prices for fats and oils. * * *

(b) * * *

(11) * * *

(vii) Where refined peanut oil and refined soy bean oil are sold to be used ultimately for industrial usages and not for edible purposes, the seller may add ½ cent per pound to the maximum prices established for refined peanut oil and refined soy bean oil by § 1351.151 (b) (11) of this schedule. * * *

§ 1351.159 Effective dates of amendment. * * *

(q) Amendment No. 17 (§ 1351.151 (b) (11) (vii)) to Revised Price Schedule No. 53 shall become effective November 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11887; Filed, November 13, 1942; 11:53 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Amendment 18 to RPS 53¹]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1351.151 (b) (6) is amended by the addition of subdivision (iv) as set forth below:

§ 1351.151 Maximum prices for fats and oils. * * *

(b) * * *

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 1309, 1836, 2132, 3430, 3821, 4229, 4294, 4484, 5605, 7665, 7666, 7977, 8204, 8702.

(6) * * *

(iv) When refined cottonseed oil is sold to be used ultimately for industrial usages and not for edible purposes, the seller may add ½ cent per pound to the maximum prices established for refined cottonseed oil by § 1351.151 (b) (6) of this schedule. * * *

§ 1351.159 Effective dates of amendment. * * *

(r) This Amendment No. 18 (§ 1351.151 (b) (6) (iv)) to Revised Price Schedule No. 53 shall become effective November 19, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11884; Filed, November 13, 1942; 11:55 a. m.]

PART 1377—WOODEN CONTAINERS

[Rev. MPR 195¹]

INDUSTRIAL WOODEN BOXES

The preamble is amended, and §§ 1377.151 to 1377.167, inclusive, are renumbered and amended to read as set forth below:

In the judgment of the Price Administrator it is necessary and proper to establish in a separate regulation the maximum price for the sale of industrial wooden boxes since, because of their special nature, they cannot satisfactorily be priced on the basis of deliveries made in March 1942. The maximum prices established by this regulation are in the judgment of the Price Administrator, generally fair and equitable, and in conformity with the general level of prices established by the General Maximum Price Regulation.* A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

So far as practicable the Price Administrator has given due consideration to prices prevailing between October 1 and 15, 1941, and to relevant factors of general applicability. So far as practicable the Price Administrator has consulted with representatives of trade and industry.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Revised Maximum Price Regulation No. 195—Industrial Wooden Boxes—is hereby issued.

¹ 7 F.R. 6049, 8945.

² 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6058, 6091, 6087, 6216, 6615, 6794, 6989, 7093, 7322, 7454, 7758, 7913, 8431.

Sec.	
1377.151	What products are covered.
1377.152	Sales of industrial wooden boxes at higher than maximum prices prohibited.
1377.153	Maximum price: Sales by manufacturers.
1377.154	How to figure material costs.
1377.155	How to figure the adjustment for increased overtime.
1377.156	Maximum prices: Sales by other persons than manufacturers.
1377.157	Maximum prices: All other cases.
1377.158	Extras, discounts, and allowances.
1377.159	Reports.
1377.160	Records.
1377.161	Petitions for amendment or adjustment.
1377.162	Adjustable pricing.
1377.163	Prohibited practices.
1377.164	Enforcement.
1377.165	Export sales.
1377.166	Definitions.
1377.167	Effective date.

AUTHORITY: §§ 1377.151 to 1377.167, inclusive, issued under the authority contained in Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1377.151 *What products are covered.* The term "industrial wooden box" as used in this regulation has a somewhat wider meaning than may be customary in some parts of the trade. It includes any assembled or unassembled box, crate, case, carrier, shipping pallet, reel, or similar container made principally of wood, in the form of lumber, plywood, or veneer, and used for packaging any product other than perishable fruits and vegetables. The term includes any constituent wooden part of the kind of containers mentioned, if it is ready to be assembled into the container. It does not include cooperage products or parts, used containers, or any wire-bound boxes. Some of the containers which are covered by this regulation, but may not usually be thought of as "industrial" boxes, are butter boxes, lard boxes, egg cases, cheese boxes, fish boxes, and munitions boxes.

Any industrial wooden box whose sale is governed by any other maximum price regulation, such as Maximum Price Regulation No. 176 on Rotary Cut Southern Hardwood Box Lumber or Maximum Price Regulation No. 186 on Western Wooden Agricultural Containers, is not subject to this regulation. This regulation does, however, supersede the General Maximum Price Regulation as to all sales and deliveries which this regulation covers.

§ 1377.152 *Sales of industrial wooden boxes at higher than maximum prices prohibited.* (a) On and after November 19, 1942, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive in the course of trade or business, any industrial wooden box at a price higher than the maximum price, and no person shall agree, offer, or attempt to do any of these things.

(b) If, upon the purchase of any industrial wooden box, the purchaser gets from the seller a written statement that to the best of his knowledge the price paid does not exceed the maximum price established by this regulation, and if the

purchaser has no reason to doubt the truth of the statement, the purchaser shall be deemed to have complied with this section.

(c) Prices lower than the maximum prices may, of course, be charged or paid.

§ 1377.153 *Maximum price: Sales by manufacturers.* The maximum price for any industrial wooden box is the price which the particular manufacturer would have quoted on that box on March 31, 1942, if his material costs and the number of hours of overtime labor in the producing plant had been what they are now. This means that all other costs and all labor rates (straight and overtime), must be figured at the March 31, 1942 levels. Of course, the material cost cannot be figured higher than the maximum price set for that material by any applicable maximum price regulation. The statement that material costs and the number of hours of overtime labor should be taken as they are "now" means that they should be taken as of the time the particular quotation is made. These factors, then, are not necessarily rigidly fixed as of the effective date of this regulation, but may go up or down, so long as the material cost does not exceed the applicable maximum price for the material.

The specific methods of applying these rules are outlined below:

(a) *Price-determining methods based on costs.* In computing what the March quotation would have been, a manufacturer who on March 31, 1942, had an established price-determining method based on costs (such as an "NRA-type" formula) must continue to use that method. As stated above, the formula must be applied to the March 31, 1942 costs. The details of how to adjust March 31, 1942 costs as to material costs and overtime hours are given below in §§ 1377.154 and 1377.155.

(b) *"Lumber-cost method"—(1) Boxes priced in March.* If the manufacturer had no established price-determining method based on costs, his maximum price for a box which he priced in March 1942 shall be based on the relation of the March 1942 lumber cost to the March 1942 price for this box. This relation must be figured in terms of dollars and cents, not percentages. For example, if the lumber cost on the box was \$1.00 in March and the sales price on the box was \$2.00, and if the lumber cost is now \$1.20, the maximum price for the box would be \$2.20, not \$2.40. This maximum price may be adjusted for changes in material costs other than lumber, and for changes in overtime hours as explained in § 1377.155.

(2) *Boxes not priced in March.* This "lumber-cost method" should be used (by a manufacturer having no price-determining method based on costs) for any box on which he figured a price in March 1942. Then, if he wants to find a price for a box which he did not price in March 1942, he should use as a "yardstick" the box with the nearest board footage content for which he has been able to figure a maximum price under

paragraph (1) just above. This "yardstick" box should be a box of the same style using a thickness of stock involving comparable sawing operations. (For example, a box using resawn lumber should not be used as a yardstick for one using stock not resawn.) If there is a normal dollars-and-cents price differential between the two boxes, he should adjust the maximum price which he has figured for the "yardstick" box by that differential, and this will give him the maximum price for the box being priced. If there is not a normal dollars-and-cents differential, the differential should be built up on the basis of normal individual price differentials for the differences in board footage content, extra operations, and any other specifications.

(c) *Competitor's-price method.* If paragraphs (a) and (b) cannot be applied, a manufacturer should find his principal competitor who has an established maximum price on a similar box, and use that price as the basis for his own maximum price, adjusted for any difference such as footage and extra operations. Any manufacturer who has an established maximum price on a box must tell that price to any competitor who needs it for purposes of this paragraph. This does not mean, however, that actual selling prices, or the method of arriving at the maximum price must be revealed to competitors.

§ 1377.154 *How to figure material costs—(a) Purchased lumber.* The cost of purchased lumber is the average of the actual prices paid for the lumber (of the kind used in the particular box) in the manufacturer's inventory or under contract at the time of the sale subject to this regulation. The purchases must be weighted on the basis of quantity. If inventory is kept on grade, the average purchase price of the grade or grades actually used in the box should be taken as the lumber cost. If inventory is not kept on grade, the average value of inventory should be used, and lumber taken out of inventory should be charged off at the average purchase price at the time of removal. The average need not be figured every day, but may be figured by the manufacturer's usual periods. The average must, however, be figured at least monthly.

The purchased-lumber cost must in no case be figured higher than the applicable maximum price for purchase of the lumber.

(b) *Produced lumber.* A manufacturer who produces his own lumber shall use the same method of working out his lumber cost as he used in March 1942. In no event shall a lumber cost over the applicable maximum price for sale of the lumber at a mill be used.

§ 1377.155 *How to figure the adjustment for increased overtime.* A manufacturer with an established price-determining method based on cost may use his present overtime hours in figuring labor cost, but must apply them to the March 1942 wage rate. A manufacturer who figures his maximum price from lumber cost under § 1377.153 (b) can

increase that maximum price to the extent of any added expense due to any increase in overtime hours above the hours worked in March 1942. No increase due to increased basic wage rates since March may be included. Thus, if time-and-a-half is paid for overtime, and if the hourly rate has increased from 60¢ to 70¢ since March, the overtime expense is figured on the 60¢ rate. Under both methods, the added expense for the additional overtime must be computed on a weekly basis and spread evenly over all the industrial box production of the plant. A manufacturer who uses a competitor's maximum prices as his own cannot make any adjustment for his own added overtime.

§ 1377.156 *Maximum prices: Sales by other persons than manufacturers.* (a) The maximum price for the sale of an industrial wooden box by a seller other than a manufacturer is the seller's net invoice cost of this box plus the seller's average percentage mark-up during March 1942 on sales of all industrial wooden boxes to purchasers of the same class. This "average percentage mark-up during March 1942" must be an average weighted by volume of sales.

If he sold no industrial wooden boxes during March, he should use as his own mark-up the "average percentage mark-up during March 1942" of his most closely competitive seller. A person who is asked what his mark-up is by a competitor who needs it for use under this paragraph must reveal it.

§ 1377.157 *Maximum prices: All other cases.* If any seller of industrial wooden boxes cannot figure his maximum price under the provisions of this regulation up to this point, he should write a letter to the Lumber Branch of the Office of Price Administration, Washington, D. C., telling why he can not. He should describe the box, (giving inside dimensions; style of box; number, size, thickness of each piece, and species of lumber; grade requirements of box; whether veneer or sawed; fixtures, such as hinges and hasps; any special operations, such as hand-holes; whether in shook form, unitized, or set-up; and any other relevant facts), state the requested price and whether it is f. o. b. mill or delivered, and give any information, such as competitive or market prices, costs, and the like which would be of assistance in determining a proper price. The Office of Price Administration will then by letter send instructions either in the form of a specific price or in the form of a method of computing the price. A seller who has written this kind of letter does not have to suspend negotiations or deliveries. He may sell and deliver at the price requested by him, but he may not accept final payment until the Office of Price Administration has acted on his request. If he sells or delivers during this interim period, he must tell the buyer that the final price is subject to adjustment according to the action of the Office of Price Administration.

§ 1377.158 *Extras, discounts, and allowances.* The maximum price shall be

adjusted for all extra charges, discounts, or allowances in use by the seller in March 1942.

§ 1377.159 *Reports.* No reports need be filed under this regulation, unless the Office of Price Administration specifically requests them, except in this one case: If the seller has once used a maximum price computed under this regulation as a basis for sale or quotation, and then later computes a higher maximum price for the same box, he must send a letter to the Office of Price Administration in Washington, D. C., explaining the higher price. The reason for this is that when a seller's maximum price has once been made known, and he later sells at a higher price, it appears on the surface that the seller is violating the regulation. It is to prevent any such misunderstanding that this report is required.

§ 1377.160 *Records.* All sellers of industrial wooden boxes must keep records which will clearly identify the box sold and show the name and address of the purchaser, the date of the sale, and the price. Records must also be kept showing the method of determining prices used by the seller, and any calculated cost factors, such as material and labor costs, which were used in applying the price-determining method. Purchasers must keep a record of the name and address of the seller, the date of the purchase, a description of the box purchased, and the price paid for it. Any other records which the Office of Price Administration later requires must also be kept.

§ 1377.161 *Petitions for amendment or adjustment—(a) Government contracts or subcontracts.* Any person who has entered into or proposes to enter into a contract with the United States or any agency thereof, or with the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States", or any agency of any such government, or a subcontract under any such contract, who believes that the maximum price impedes or threatens to impede production of an industrial wooden box which is essential to the war program and which is or will be the subject of such contract or subcontract, may file an application for adjustment of the maximum prices established by this regulation in accordance with Procedural Regulation No. 6,³ issued by the Office of Price Administration.

(b) *General amendments.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

(c) *Adjustment of abnormally low maximum prices.* The Office of Price Administration or any duly authorized officer thereof, may by order adjust the

maximum prices established under this Maximum Price Regulation No. 195, for any seller of industrial wooden boxes in any case in which such seller shows:

(1) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of the same or similar commodities; and

(2) That establishing for him a maximum price, bearing a normal relation to the maximum prices established for competitive sellers of the same or similar commodities, will not cause or threaten to cause an increase in the level of retail prices.

Applications for adjustment under this paragraph (c) shall be filed in accordance with Revised Procedural Regulation No. 1,⁴ issued by the Office of Price Administration. No application for adjustment filed after November 15, 1942, will be granted under this paragraph (c).

§ 1377.162 *Adjustable pricing.* It is permissible under this regulation to provide in a contract that the price shall be adjustable to a price not higher than the maximum price in effect at the time of delivery.

§ 1377.163 *Prohibited practices.* (a) Any practice or device which is an attempt to get the effect of a higher price without actually raising the price is as much a violation of this regulation as an outright excessive price. This applies to devices involving commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

(b) The following are among the practices specifically prohibited:

(1) Decreasing cash discounts or the discount period below those available to the buyer in March 1942, or making credit terms more unfavorable to the buyer than they were in March 1942.

(2) Making the purchaser bear a larger part of the transportation cost than he would have borne in March 1942.

(3) Making the purchaser buy something he does not want in order to get what he does want.

(4) Billing the buyer for more boxes than were shipped.

(5) Billing against a style of box which was not actually delivered.

§ 1377.164 *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) No war procurement agency, nor any contracting or paying finance officer thereof shall be subject to any liability, civil or criminal, imposed by this regulation or the Emergency Price Control Act of 1942. "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any agency of the foregoing.

³ 7 F.R. 5087, 5664.

⁴ 7 F.R. 8961.

(c) Persons who have evidence of any violation of this regulation or of any other regulation or order issued by the Office of Price Administration are urged to communicate with the nearest field, state, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1377.165 *Export sales.* The maximum price for export sales of industrial wooden boxes is governed by the Maximum Export Price Regulation¹ issued by the Office of Price Administration.

§ 1377.166 *Definitions.* (a) The term "person" includes an individual, corporation, partnership, association, or any other organized groups of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of the foregoing.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, shall apply to other terms used herein.

§ 1377.167 *Effective date.* All of the provisions of Revised Maximum Price Regulation No. 195 (§§ 1377.151 to 1377.167, inclusive) shall become effective November 19, 1942.

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11888; Filed, November 13, 1942;
11:52 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11,² Amendment 4]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1394.5266 new paragraphs (e) and (f) are added; § 1394.5267 is renumbered § 1394.5267 (a), and a new paragraph (b) is added thereto; a new § 1394.5461 is added; § 1394.5707 is renumbered § 1394.5707 (a), and a new paragraph (b) is added thereto; and a new paragraph (d) is added to § 1394.5902; as set forth below:

HEAT AND HOT WATER RATIONS

§ 1394.5266 *Same; applications made on or after November 1, 1942; heat or both heat and hot water.* * * *

(e) If the applicant has taken a transfer of fuel oil on or after October 1, 1942, the Board shall issue (in addition to coupon sheets issued pursuant to paragraph (b) of this section) Class 1 or Class 2 coupon sheets containing currently valid coupons equal in gallonage value to the amount of fuel oil transferred to the applicant for such purpose during the pe-

riod from October 1, 1942, to the date of application, except that the aggregate number of coupons issued pursuant to this paragraph and to paragraph (b) of this section shall not exceed in gallonage value the allowable ration determined in accordance with §§ 1394.5256 or 1394.5261, whichever is applicable.

(f) Notwithstanding the provisions of subparagraph (2) of paragraph (b) of this section, the gallonage value of the aggregate number of currently valid coupons issued pursuant to paragraphs (b) and (e) of this section shall be not less than the number of gallons purchased by the applicant during the period from October 1, 1942 to the date of application.

§ 1394.5267 *Same; applications made on or after November 1, 1942 for hot water only.* * * *

(b) If the applicant has taken a transfer of fuel oil on or after October 1, 1942 for such equipment for furnishing hot water (but not heat) to premises other than private dwellings, the coupon sheets issued to such applicant shall contain coupons (in addition to those issued pursuant to paragraph (a) of this section) equal in gallonage value to the amount of fuel oil transferred to the applicant for such purpose during the period from October 1, 1942 to the date of application, except that the aggregate number of coupons issued pursuant to this paragraph and to paragraph (a) of this section shall not exceed in gallonage value the allowable ration determined in accordance with paragraph (b) of § 1394.5261.

GENERAL PROVISIONS WITH RESPECT TO ISSUANCE OF RATIONS

§ 1394.5461 *Applications made on or after November 1, 1942: special cases.* Notwithstanding any other provisions of Ration Order No. 11, when a State Director of the Office of Price Administration so directs, any application for a ration executed by the applicant prior to November 1, 1942 and filed with a Board on or before a date (not later than November 14, 1942) fixed by such Director, shall be acted upon by the Board as though such application had been made prior to November 1, 1942.

REPLENISHMENT AND AUDIT

RESTRICTIONS ON TRANSFERS TO DEALERS AND SUPPLIERS

§ 1394.5707 *Restrictions on transfers.* * * *

(b) Notwithstanding any other provisions of Ration Order No. 11, any transfer required by paragraph (a) of this section to be accompanied by an exchange of coupons or other evidences, or any transfer specified in § 1394.5708, may, during the period from November 1, 1942 to November 23, 1942, inclusive, be made without requiring the surrender of coupons or other evidences, subject to the following conditions:

(1) No dealer or supplier may accept a transfer pursuant to this paragraph unless he has filed an application for registration with a Board in accordance with the provisions of § 1394.5701.

(2) At the time of transfer the dealer or supplier receiving the transfer shall deliver to the transferor a written receipt showing the date of transfer, the number of gallons of fuel oil transferred, and the name and address of the transferee, except that when a transfer specified in § 1394.5708 is made, such receipt may be forwarded to the transferor within five (5) days after the transfer.

(3) A dealer or supplier who receives a transfer of fuel oil and delivers a receipt therefor pursuant to this paragraph shall, on or before November 28, 1942, surrender to the transferor coupons or other evidences equal in gallonage value to the amount of fuel oil so transferred.

(4) Any dealer or supplier who has made a transfer pursuant to this paragraph shall, on or before November 30, 1942, report in writing to the nearest State Office of the Office of Price Administration, the name and address of any dealer or supplier who has accepted a transfer pursuant to this paragraph and who has failed to surrender coupons or other evidences as required by subparagraph (3).

EFFECTIVE DATE

§ 1394.5902 *Effective dates of corrections and amendments.* * * *

(d) Amendment No. 4 (§§ 1394.5266 (e) and (f), 1394.5267 (a) and (b), 1394.5461, 1394.5707 (a) and (b)) to Ration Order No. 11 shall become effective November 19, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1-O, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11883; Filed, November 13, 1942;
11:52 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rationing Order 3,¹ Amendment 24]

SUGAR RATIONING REGULATIONS

A new paragraph, (e), is added to § 1407.86 as set forth below:

INSTITUTIONAL AND INDUSTRIAL USERS

§ 1407.86 *Allotment.* * * *

(e) A registering unit may, but shall not be required to, make on OPA Form No. R-314, the application for an allotment specified in § 1407.88 of Rationing Order No. 3. A registering unit not making such application for any period commencing on or after April 28, 1942, shall be deemed to have been granted for that period the full allotment to which it would have been entitled if it had made such application within the time specified in paragraph (b) of this section. A registering unit which made such application for any period expiring

* Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 3096, 3824, 4294, 4541, 5059, 7242.

² 7 F.R. 8460, 8708, 8808, 8897.

¹ 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6823, 6937, 7289, 7321, 7406, 7510, 7557, 8402, 8655, 8739, 8809, 8710, 8830, 8831, 9042.

on or before December 31, 1942, after the time specified therefor in paragraph (b), shall be deemed to have been granted an increase in its allotment for that period equal to the amount of the reduction made pursuant to paragraph (b). No certificate shall be issued for any allotment or increase in allotment granted pursuant to this paragraph (e).

EFFECTIVE DATE

§ 1407.222 *Effective dates of amendments.* * * *

(y) Amendment No. 24 (paragraph (e) of § 1407.86) shall become effective November 19, 1942.

(Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1, and Supp. Dir. No. 1E)

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11885; Filed, November 13, 1942;
11:52 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 14¹ of GMPR,² Amendment 60]

FLUID MILK AND CREAM

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Inferior subdivision (i) is added to subdivision (i) of § 1499.73 (a) (1), inferior subdivision (i) is added to subdivision (ii) of § 1499.73 (a) (1), and inferior subdivision (k) is added to subdivision (v) of § 1499.73 (a) (1), as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

(1) *Fluid milk and cream*—(i) *Maximum prices for fluid milk sold at retail in specified localities.* * * *

*Copies may be obtained from the Office of Price Administration.

¹ F. R. 8881, 8899, 9082, 8953, 8954, 8955, 8959, 9043, 8950, 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707.

² F. R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942.

Locality	Grade	Type of delivery	Container size	Type of container	Adjusted maximum price (cents)*
(f) Lewiston-Auburn, Maine.	All grades, including raw and pasteurized.	Out of store or to the home.	Quart.....	Glass.....	14
		Out of store or to the home.	Quart.....	Paper.....	15
	All grades, including raw and pasteurized.	Out of store or to the home.	Pint.....	Glass.....	7½
		Out of store or to the home.	Pint.....	Paper.....	8½
	All grades, including raw and pasteurized.	Out of store or to the home.	Half-pint....	Glass.....	5
		Out of store or to the home.	Half-pint....	Paper.....	6

(ii) *Maximum prices for fluid milk sold at wholesale in specified localities.* * * *

Locality	Grade	Container size	Type of container	Adjusted maximum price (cents)*
(f) Lewiston-Auburn, Maine.	All grades including raw and pasteurized.....	Quart.....	Glass.....	12
		Quart.....	Paper.....	13
	All grades including raw and pasteurized.....	Pint.....	Glass.....	6½
		Pint.....	Paper.....	7½
	All grades including raw and pasteurized.....	Half-pint....	Glass.....	3½
		Half-pint....	Paper.....	4½

(v) *Definitions.* For purposes of this subparagraph (1): * * *

(k) "Lewiston-Auburn, Maine" means the area included within the city limits of the cities of Lewiston and Auburn and the town of Lisbon (except that part generally known as Lisbon Falls) all within Androscoggin County, Maine.

(b) *Effective dates.* * * *

(61) Amendment No. 60 (§ 1499.73 (a) (1)) to Supplementary Regulation No. 14 shall become effective November 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11890; Filed, November 13, 1942;
11:53 a. m.]

MAXIMUM PRICES, F. O. B. COHOES, NEW YORK, AND NEW YORK, NEW YORK.

Mark	Size	Form	Maximum price per pound
MS-1.....	No. 4.....	Bookpacked mica splittings.....	\$2.35
MS-1A.....	No. 4½.....	Bookpacked mica splittings.....	2.15
MS-2.....	No. 5 1st Q.....	Bookpacked mica splittings.....	1.60
MS-3.....	No. 5 2nd Q.....	Bookpacked mica splittings.....	1.20
MS-4.....	No. 5.....	Loose dusted mica splittings.....	.95
MS-3A.....	No. 5½.....	Bookpacked mica splittings.....	1.05
(*).....	No. 5½.....	Loose dusted mica splittings.....	.60
(*).....	No. 6.....	Bookpacked mica splittings.....	.55
MS-5.....	No. 6.....	Loose dusted mica splittings.....	.40
MS-6.....	No. 6.....	First Quality loose mica splittings.....	.40
MS-7.....	No. 6.....	Second Quality loose mica splittings.....	.30
MS-8.....	No. 6.....	Third Quality loose mica splittings.....	.23

*No mark number assigned.

PART 1499—COMMODITIES AND SERVICES

[Order 138 Under § 1499.3 (b) of GMPR]

METALS RESERVE COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1154 *Authorization of maximum prices for sales of Indian mica splittings to consumers by the Metals Reserve Company.* (a) The Metals Reserve Company may sell and deliver and agree, offer, solicit and attempt to sell and deliver Indian mica splittings to consumers at prices no higher than the maximum prices set forth in the following table:

(b) When used in this order, the term "Consumers" includes but is not limited to manufacturers of built-up mica products, aviation spark plugs, and fixed condensers.

(c) This Order No. 138 may be revoked or amended at any time by the Price Administrator.

(d) This Order No. 138 (§ 1499.1154) shall become effective November 14, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11889; Filed, November 13, 1942;
11:53 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 94 Under § 1499.18 (b) of GMPR]

WITT ICE & GAS CO.

For reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.894 *Adjustment of maximum prices for Witt Ice and Gas Company.*

(a) Witt Ice and Gas Company of Los Angeles, California, may sell and deliver, and any purchaser may buy and receive dry ice at a price not in excess of that hereinafter set forth:

Dry ice at 3¢ per pound, in wholesale quantities from the seller's warehouse in Amarillo, Texas.

(b) All discounts, allowances, practices with regard to charges for transportation and other trade practices in effect with respect to the above listed commodity during March 1942, by the seller, shall remain in effect under this order.

(c) Witt Ice and Gas Company shall accompany each first sale, to each customer buying dry ice at 3¢ per pound, wholesale, from its Amarillo, Texas, warehouse, with the following notice:

The Office of Price Administration has granted Witt Ice and Gas Company permission to increase its maximum price on dry ice from 2½¢ per pound to 3¢ per pound in wholesale quantities, delivered from its Amarillo, Texas, warehouse.

Permission to increase its maximum price has been granted on the presumption that purchasers from this company will not request an increase in prices on the products which they sell because of such increase in the cost of dry ice.

(d) This Order No. 94 may be amended or revoked by the Price Administrator at any time.

(e) This Order No. 94 (§ 1499.894) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 94 (§ 1499.894) shall become effective November 14, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. E.O. 9250, 7 F.R. 7871)

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11881; Filed, November 13, 1942;
11:49 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 1 Under § 1499.75 (a) (3) of GMPR,
Sup. Reg. 15]

MERCHANTS COLD STORAGE AND WAREHOUSE CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1301 *Adjustment of maximum prices for warehouse services sold by Merchants Cold Storage and Warehouse Company.* (a) Merchants Cold Storage and Warehouse Company, of Providence, Rhode Island, may sell and supply, and any person may buy and receive from Merchants Cold Storage and Warehouse Company, the following services at charges not higher than those set forth below:

(1) Handling and storage of apples in Field Boxes, Standard Eastern and Western Boxes, or Baskets (bushel) . . . 30¢ per season, for the season commencing on September 1st of each year and ending on the following March 31st.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 1 (§ 1499.1301) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 1 (§ 1499.1301) shall become effective November 13, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11882; Filed, November 13, 1942;
11:49 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts

PART 202—MINIMUM WAGE DETERMINATIONS

AVIATION TEXTILE PRODUCTS MANUFACTURING INDUSTRY

In the matter of the determination of the prevailing minimum wage for the Aviation Textile Products Manufacturing Industry.

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Supp. III, 35) entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes" otherwise known as the Walsh-Healey Public Contracts Act. The Public Contracts Board, created in accordance with Section 4 of the said Act by Administrative Order dated October 6, 1936, held a hearing on March 24, 1942, in the above-entitled matter.

Notice of this hearing was sent to all known members of the industry, to trade unions, and to trade publications. In-

itation to attend the hearing was extended through the national press to all other interested parties.

Appearances were made and testimony was given at the hearing by members of the industry, Upholsterers' International Union of North America, United Textile Workers of America, United Garment Workers of America, and Central Labor Union, Washington, Indiana.

Wage data for this industry were collected by a committee designated by the Administrator of the Public Contracts Division and consisting of manufacturers and employee representatives. The data were tabulated by the Research Section of the Division. This survey included 2,765 production workers employed by 12 establishments located in 10 states. The payroll period covered by the wage survey was that including the day of October 20, 1941 except in the case of two plants whose wage data were for a payroll period in February 1942.

At the time of the survey the industry was undergoing a process of augmentation through gradual conversion of adaptable plants which were primarily members of other industries such as the Cotton Garment Industry. The evidence presented at the hearing indicates that the survey represented an adequate coverage of the industry both as to the number of workers and as to the number of plants; and that it was representative of the different geographical regions in the industry.

On the basis of the evidence before it, the Public Contracts Board recommended that prevailing minimum wages for the Aviation Textile Products Manufacturing Industry be determined to be 55 cents an hour for the States of California, Oregon, and Washington; and 47½ cents an hour for the remaining states and the District of Columbia. The Board further recommended that the employment of workers who are bona fide learners in the industry be permitted without present limitation of their number at rates of 40 cents an hour for the first two weeks and 45 cents an hour for the second two weeks of their employment. The Board's recommendations were circularized by the Assistant Administrator of the Division of Public Contracts to interested parties who were invited to express their approval or to register their objections and submit verifiable wage evidence in support of such objections. Several objections to the Board's recommendations have been received.

The data in the wage survey indicates a substantial concentration of employees in the 40-42 cent wage bracket, 25 percent of the workers being found in that bracket. Other large concentrations of employees are shown in the 50-52 cent bracket (15 percent) and the 55 cent bracket (11 percent). The testimony at the hearing shows a number of increases of 5 cents an hour between the payroll period covered by the survey and the date of the hearing. A comparison of minimum wages prevailing in different plants as determined from their individual schedules indicates an excep-

tionally homogenous wage structure with the exception of the Pacific Coast. The evidence in the record indicates a prevailing minimum wage of 55 cents an hour on the Pacific Coast as represented by the State of California and 47½ cents an hour in the rest of the country as represented by the other nine states included in the survey.

The survey indicates that there are workers employed as learners in this industry. Evidence shows that the learner period ranges upward from two weeks. While the wage survey shows that only slightly more than 6 percent of the workers are employed as learners, the industry is a new and growing one and it appears advisable not to fix any definite percentage of learners who may be employed, but merely to limit the tolerance to employees who are in fact learners in the industry.

The nature of the objections to the Board's recommendations varies. Thus, objections have been received on the grounds that the proposed minima are too low as well as that they are too high; that the learner period is inadequate; and that there should be no difference between the Pacific Coast and the rest of the country, and that 55 cents an hour should be established for the entire country. Very few of the objections were accompanied by supporting data. I have considered the data submitted and find that they do not constitute a basis for departing from the Board's recommendations.

Upon consideration of all the facts and circumstances, I hereby determine that:

§ 202.45 *Aviation Textile Products Manufacturing Industry.* (a) The Aviation Textile Products Manufacturing Industry is defined for the purpose of this determination as that industry which is engaged in the manufacture of articles (other than apparel) primarily of fabric for use in connection with the Aviation Industry, including, but without limitation, parachutes of all types, parachute packs, parachute harnesses, safety belts, aerial delivery containers made primarily from fabrics, tow targets, and wind direction indicators of the wind-sock type: *Provided, however,* That the manufacture of canvas and duck articles for ground use, such as signaling panels, is not included.

(b) The minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Walsh-Healey Public Contracts Act of June 30, 1936 (49 Stat. 2036, 41 U.S.C. Supp. III, 35), for the manufacture or furnishing of the products of the Aviation Textile Products Manufacturing Industry shall be 55 cents an hour or \$22.00 a week of 40 hours, arrived at either on a time or piecework basis, for the States of California, Oregon, and Washington, and 47½ cents an hour or \$19.00 a week of 40 hours, arrived at either on a time or piecework basis, for the remaining 45 states and the District of Columbia: *Provided,* That workers who are in fact learners may be employed at the rate of

40 cents an hour or \$16.00 a week of 40 hours during the first two weeks of their employment and at the rate of 45 cents an hour or \$18.00 a week during the third and fourth weeks of their employment.

This determination shall be effective and the minimum wages hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced by the contracting agency on or after December 11, 1942.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938, or any wage order thereunder, or under any other law or agreement more favorable to the employees than the requirements of this determination.

Dated: November 11, 1942.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 42-11870; Filed, November 13, 1942; 11:34 a. m.]

EMPLOYMENT OF FEMALE PERSONS UNDER 18 YEARS OF AGE

EXEMPTION FROM PROVISIONS OF WALSH-HEALEY ACT

Exemption from the provisions of section I (d) of the Walsh-Healey Public Contracts Act to permit the employment of female persons under 18 years of age in any industry.

Whereas, the Acting Secretary of War, the Acting Secretary of the Navy and the Chairman of the Maritime Commission having requested that an exemption be granted under section 6 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. Supp. III, 35), herein-after called the Act, permitting the award of contracts to contractors in all other industries not included in the exemption order dated April 21, 1942, without the inclusion in such contracts as required by section 1 (d) of the Act the representation and stipulation:

That no * * * female person under eighteen years of age * * * will be employed by the contractor in the manufacture or production or furnishing of any of the materials, supplies, articles, or equipment included in such contract; and

Whereas, the request is supported by written findings signed by the Acting Secretaries of War and Navy and the Chairman of the Maritime Commission that the inclusion of such stipulation as provided in section 1 (d) of the Act will impair seriously the conduct of Government business by retarding essential production and interfering with the successful prosecution of the war in which the United States is engaged and which requires the complete utilization of the human and national resources of the nation; and

Whereas, an exemption has been granted heretofore to permit the employment of girls between the ages of 16

and 18 upon contracts in certain industries; and

Whereas, it is apparent that justice and public interest will be served by extending the exemption to all other industries on a basis of the findings by the Acting Secretary of War, the Acting Secretary of the Navy and the Chairman of the Maritime Commission;

I hereby amend the order dated April 21, 1942, pursuant to the powers vested in me by section 6 of the Walsh-Healey Public Contracts Act until further ordered granting an exemption from the application of section 1 (d) and section 2 of the Act with respect to the employment of girls between the ages of 16 and 18 by contractors from this date in any industry, subject to the following conditions:

(1) That no girl under 16 years of age shall be employed.

(2) That no girl under 18 years of age shall be employed for more than 8 hours in any one day, or between the hours of 10 p. m. and 6 a. m., or in any way contrary to State laws governing hours of work.

(3) That no girl under 18 years of age shall be employed in any operation or occupation which, under the Fair Labor Standards Act or under any State law or administrative ruling, is determined to be hazardous in nature or dangerous to health.

(4) That for every girl under the age of 18 years employed by him the contractor shall obtain and keep on file a certificate of age showing that the girl is at least 16 years of age.

(5) That a specific and definite luncheon period of at least 30 minutes be regularly granted any women workers under 18 years of age.

(6) That no girl under 18 shall be employed at less than the minimum hourly rate set by or under the Fair Labor Standards Act or the Walsh-Healey Public Contracts Act for the industry in which the exemption is granted.

Dated: November 11, 1942.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 42-11869; Filed, November 13, 1942; 11:34 a. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[General Order 5, as Amended, Supp. 1]

PART 304—LABOR

Amending § 304.3 *Delegation of power by striking out the following words:* (provided the Board shall not establish new penalty rates).

[SEAL]

E. S. LAND,
Administrator.

NOVEMBER 12, 1942.

[F. R. Doc. 42-11865; Filed, November 13, 1942; 10:58 a. m.]

17 F.R. 7762.

17 F.R. 3003.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 10—STEAM ROADS: UNIFORM SYSTEM OF ACCOUNTS

ORDER CHANGING DATE OF EFFECT

In the matter of a uniform system of accounts to be kept by steam roads.

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 6th day of November 1942.

In the matter of the order of July 13, 1937, effective July 1, 1937, prescribing operating-revenue account 117, "Protective service—Perishable freight," for steam roads; the order of July 31, 1937, changing the effective date to January 1, 1938; the order of December 18, 1937, changing the effective date to January 1, 1939; the order of November 28, 1938, changing the effective date to January 1, 1940; the order of November 6, 1939, changing the effective date to January 1, 1941; the order of December 10, 1940, changing the effective date to January 1, 1942, and the order of September 19, 1941, changing the effective date to January 1, 1943.

It is ordered, That the effective date be changed to January 1, 1944.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-11866; Filed, November 13, 1942; 11:11 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

APPLICATIONS FOR REGISTRATION

FADELEY AND COMPANY, ET AL.

To all District Boards, Code Members, Distributors, the Consumers' Counsel and other interested persons:

An application for registration as a distributor has been filed by each of the following and is under consideration by the Director:

Name and address	Date application filed
Fadeley & Co., 160 M St. N.E., Washington, D. C.	Oct. 23, 1942
Roy C. Gilbert, D/B/A Gilbert Coal Co., 315 Hanna Building, Cleveland, Ohio.	Oct. 24, 1942
M. B. Martini, 206 N. Washington St., Spokane, Wash.	Oct. 30, 1942
North Western—Hanna Fuel Co., 2196 University Ave., St. Paul, Minn.	Oct. 19, 1942
Ralston Fox Smith—Fox Smith Coal Co., 330 Chester-Twelfth Bldg., Cleveland, Ohio.	Nov. 6, 1942
E. S. Rosenbaum, Room 860, 141 W. Jackson Blvd., Chicago, Ill.	Nov. 6, 1942
R. C. Tway Coal Co., Inc. Wagon Works Building, 2601 S. Third St., Louisville, Ky.	Oct. 26, 1942
Julius Wilbert, Pittsburg, Kans.	Nov. 2, 1942

16 F.R. 5042.

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before December 14, 1942. This information should be mailed or presented to the Bituminous Coal Division, Department of the Interior, Washington, D. C.

Dated: November 12, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11875; Filed, November 13, 1942; 11:41 a. m.]

[Docket No. A-1681]

SAHARA COAL COMPANY

ORDER DISMISSING PETITION

In the matter of the petition of Sahara Coal Company, a Code member in District No. 10, for revision of the schedule of effective minimum prices for District No. 10 for all shipments except truck on shipments to certain destinations in Market Areas 45 and 46.

Sahara Coal Company, original petitioner in the above-entitled matter, having moved that the original petition therein be dismissed and that permission be granted for the withdrawal of its application for taking depositions filed on October 7, 1942, in this matter, and no opposition having been expressed thereto;

Now, therefore, It is ordered, That the original petition in the above-entitled matter be, and the same is hereby dismissed without prejudice to the filing of a similar petition at a later date.

It is further ordered, That permission be and the same hereby is granted to withdraw the application for the taking of depositions.

Dated: November 12, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11876; Filed, November 13, 1942; 11:41 a. m.]

[Docket No. A-1720]

DISTRICT BOARD NO. 2

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 2 for a change in the effective minimum prices for truck shipments for coals produced by certain mines in District No. 2.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the

rules of the Division be held on December 9, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before December 4, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a petition filed with the Division by District Board No. 2 requesting that the effective minimum prices for truck shipments for the coals produced by Ritenour Mine, (Mine Index No. 923) of O. N. Ritenour; Kennedy Mine, (Mine Index No. 858) of J. C. Hindman Coal Company; Stadnick Mine, (Mine Index No. 934) of Stadnick Coal Company (Louis Stadnick); and Taylor Mine, (Mine Index No. 1628) of Taylor Cannel Coal Company (H. L. Taylor), be changed as follows:

Size groups	1	2	3	4	5	6	7	8	9	10	11
From.....	370	360	350	340	320	310	300	290	280	230	215
To.....	500	500	350	340	320	310	300	250	210	200	190

Dated: November 12, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11872; Filed, November 13, 1942; 11:41 a. m.]

[Docket No. D-22]

STAHMER COAL COMPANY

ORDER FURTHER POSTPONING HEARING

In the matter of the application of Stahmer Coal Company for permission to receive sales agents' commissions and distributors' discounts on coal sold to Madison Fuel and Supply Company.

The above-entitled matter by orders dated August 8, 1942, and September 12, 1942, having been scheduled for hearing on November 16, 1942, at a hearing room of the Bituminous Coal Division, Washington, D. C., and

Applicant having filed, on November 10, 1942, a motion to further postpone said hearing to an indefinite date, and having shown good cause therefor,

It is ordered, That the hearing in the above-entitled matter be postponed from 10:00 a. m. on November 10, 1942, to a date to be later designated.

Dated: November 12, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11873; Filed, November 13, 1942; 11:41 a. m.]

[Docket No. A-1713]

DISTRICT BOARD 11

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of District Board No. 11 for establishment of price classifications and minimum prices for coals of Pyramid Coal Corporation.

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 was filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Victory Mine, Mine Index No. 1354, of the Pyramid Coal Corporation for shipment by both rail and truck.

Petitioner requests the temporary establishment of the price classifications and minimum prices set forth in its petition stating that the Victory Mine is a new mine now being developed in a third vein seam and that until such mine is actually producing and loading its coals for shipment petitioner will be unable to obtain sufficient factual data to propose permanent price classifications and minimum prices for the coals of that mine.

Accordingly, a reasonable necessity having been shown for the granting of the request in the original petition it is deemed advisable to temporarily establish the price classifications and minimum prices requested by petitioner for the coals of its mine. However, it does not appear advisable to permanently establish price classifications and minimum prices for the coals of that mine until such time as all factual data necessary to such an establishment has been obtained by petitioner and has been submitted to the Division for consideration.

Therefore It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as

follows: Commencing forthwith, the Schedules of Effective Minimum Prices for District No. 11 for All Shipments Except Truck and for Truck Shipments are supplemented to include the price classifications and minimum prices set forth in the schedules marked "Supplement R" and "Supplement T" annexed hereto and hereby made a part hereof.¹

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: November 12, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11874; Filed, November 13, 1942; 11:41 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATE

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms

¹ Not filed with the Division of the Federal Register.

and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the determination and order or regulation for the industry designated above and indicated opposite the employer's name. These certificates become effective November 12, 1942. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel Industry

Litwin & Oakjones, 5 N. Greene St., Baltimore, Maryland; Coats; 1 learner (T); November 12, 1943.

Universal Hat & Cap Mfg. Co., 231 S. Green St., Chicago, Illinois; Men's & boys' headwear; 3 learners (T); May 12, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Amory Garment Co., Inc., Amory, Mississippi; Men's & boys' pants; 35 learners (T); November 12, 1943.

Berwick Shirt Co., 10th & Pine Sts., Berwick, Pennsylvania; Men's shirts; 10 percent (T); November 12, 1943.

D. Coopersmith, N. Washington St., Milford, Delaware; Cotton dresses; 5 learners (T); November 12, 1943.

Elder Mfg. Co., St. Genevieve, Missouri; Boys' shirts and pajamas; 10 percent (T); November 12, 1943.

Ely & Walker Dry Goods Co., Main St., Kennett, Missouri; Shirts; 10 percent (T); November 12, 1943.

Great Western Garment Co., 501 Travis St., Wichita Falls, Texas; Pants, overalls, jackets, shirts; 10 percent (T); November 12, 1943.

Greensboro Overall Co., 1303 Carolina St., Greensboro, North Carolina; Work garments, government trousers; 10 percent (T); November 12, 1943.

Hanover Mfg. Co., 16 Centennial Ave., Hanover, Pennsylvania; Cotton dresses; 10 percent (T); November 12, 1943.

Harwood Mfg. Corp., Marion, Virginia; Men's shorts & pajamas (cotton) and bandoleers; 50 learners (E); May 12, 1943.

Leather Sportswear, Inc., 315 Centre St., Jamaica Plain, Massachusetts; Leather jackets; 4 learners (T); November 12, 1943.

Le Nore Garments, 1020 W. Adams St., Chicago Illinois; Ladies' & children's aprons; 10 percent (T); November 12, 1943.

S. Liebovitz & Sons, Leola, Pennsylvania; Men's shirts; 10 learners (T); November 12, 1943.

Miller Brothers, 1619 Preston St., Houston, Texas; Government trousers, civilian trousers, shirts, miscellaneous garments; 10 percent (T); November 12, 1943.

Myles Mfg. Co., Pennsboro, West Virginia; Men's underwear, shorts and pajamas; 10 percent (T); November 12, 1943.

Parsonsborg Mfg. Co., Parsonsborg, Maryland; Infants' & children's dresses; 4 learners (T); November 12, 1943.

Charles Smithline Underwear Co., Inc., 248 Broad Ave., Palisades Park, New Jersey; Ladies' pajamas, gowns and slips; 5 learners (T); November 12, 1943.

Star Garment Mfg. Co., 211 E. 4th St., St. Paul, Minnesota; Leather and sheep-lined coats, mackinaws, pants; 10 learners (T); November 12, 1943.

Scranton Garment Mfg. Co., Inc., 315 Cherry St., Scranton, Pennsylvania; Army field jackets, mackinaws and sport clothing; 10 percent (T); November 12, 1943.

S. E. Stein, Inc., Hebron, Maryland; Shirts; 10 percent (T); November 12, 1943.

Stein-Schwartz, Inc., 314 N. 13th St., Philadelphia, Pennsylvania; White duck garments; 5 percent (T); November 12, 1943.

Susquehanna Waist Co., 402 Race St., Philadelphia, Pennsylvania; Ladies' blouses and shirt waists; 10 learners (T); November 12, 1943.

Wildman Mfg. Co., 905 Washington Ave., St. Louis, Missouri; Ladies' & Misses' rayon and cotton dresses; 8 learners (T); November 12, 1943.

Hosiery Industry

Charles H. Bacon Co., Lenoir City, Tennessee; Seamless hosiery; 5 percent (T); November 12, 1943.

Bisher Hosiery Mill, Denton, North Carolina; Seamless hosiery; 5 learners (T); November 12, 1943.

Brown Brothers Hosiery Mills, 1208 Second St., Hickory, North Carolina; Seamless hosiery; 5 percent (T); November 12, 1943.

Bryan Hosiery Mill, Inc., 3319 Long St., Chattanooga, Tennessee; Full-fashioned hosiery; 5 learners (T); November 12, 1943.

Crescent Hosiery Mills, Niota, Tennessee; Seamless hosiery; 5 percent (T); November 12, 1943.

Dobson Hosiery Mills, Pulaski, Virginia; Seamless hosiery; 5 percent (T); November 12, 1943.

Elliott Knitting Mills, Inc., Catawba, North Carolina; Seamless hosiery; 5 percent (T); November 12, 1943.

Fremont Hosiery Mills, Thomasville, North Carolina; Seamless hosiery; 5 percent (T); November 12, 1943.

Illinois Knitting Co., South 12th St., Mt. Vernon, Illinois; Seamless hosiery; 5 percent (T); November 12, 1943.

Shuford Hosiery Mills, Inc., E. Highland Ave., Hickory, North Carolina; Seamless hosiery; 5 percent (T); November 12, 1943.

Telford Knitting Mills, Telford, Tennessee; Seamless hosiery; 5 learners (T); November 12, 1943.

Knitted Wear Industry

Waynesboro Knitting Co., 312 W. Second St., Waynesboro, Pennsylvania; Knitted underwear; 5 percent (T); November 12, 1943.

Textile Industry

Bear Brand Hosiery Co., West Ave. & Hickory St., Kankakee, Illinois; Cotton yarn; 3 percent (T); November 12, 1943.

Signed at New York, N. Y., this 10th day of November 1942.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 42-11867; Filed, November 13, 1942; 11:17 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 349]

ALL OF THE CAPITAL STOCK OF HENRY PELS & CO., INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All of the capital stock of Henry Pels & Co., Inc., a New York corporation, New York, New York, which is a business enterprise within the United States, consisting of 500 shares of \$100 par value common stock.

is owned by Berlin-Erfurter Maschinenfabrik Henry Pels & Co. A. G., whose last known address was represented to the undersigned as being Berlin, Germany, and therefore is property of, and represents ownership of said business enterprise which is, a national of a designated enemy country (Germany), and determining that to the extent that such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy Country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 9, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11851; Filed, November 12, 1942; 2:19 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 49 Under MPR 188]

GAME MAKERS, INC.

APPROVAL OF A MAXIMUM PRICE

Order No. 49 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, it is ordered:

(a) Game Makers, Incorporated, is authorized to sell or deliver a new toy designated as "No. 35 Bow Gun" to dealers at a price no higher than \$25.20 per gross, f. o. b. Long Island City, New York, and to jobbers at a price no higher than \$26.20 per gross, f. o. b. Long Island City, New York.

(b) This Order No. 49 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 49 shall become effective on the 13th day of November 1942.

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11896; Filed November 13, 1942; 11:49 a. m.]

[Order 50 Under MPR 188]

ELITE HAND PAINTING CORPORATION

APPROVAL OF A MAXIMUM PRICE

Order No. 50 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, it is ordered:

(a) Elite Hand Painting Corporation is authorized to sell and deliver to jobbers two new dolls manufactured by it, at prices, f. o. b. New York, New York, no higher than those set forth below:

Colonial Doll	Per dozen \$3.65
Fairland Doll	3.97

(b) This Order No. 50 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 50 shall become effective on the 13th day of November 1942.

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11897; Filed, November 13, 1942;
11:52 a. m.]

[Order 51 Under MPR 188]

JOE OTT MANUFACTURING COMPANY

APPROVAL OF A MAXIMUM PRICE

Order No. 51 under § 1499.158 of maximum price regulation No. 188—Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, it is ordered:

(a) Joe Ott Manufacturing Company is authorized to sell and deliver a new toy plane kit designated as "Identoplanes" at a price to retailers no higher than \$.336 per kit, f. o. b. Chicago, Illinois, and to jobbers at a price no higher than \$.295 per kit, f. o. b. Chicago, Illinois.

(b) This Order No. 51 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 51 shall become effective on the 13th day of November 1942.

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11898; Filed, November 13, 1942;
11:52 a. m.]

[Order 52 Under MPR 188]

SMART STYLE

APPROVAL OF A MAXIMUM PRICE

Order No. 52 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, it is ordered:

(a) Lawrence Schwarz, doing business under the name, "Smart Style", is authorized to sell and deliver to retailers a new toy officer outfit, designated as "Junior U. S. Officer Toy Outfit," at a price no higher than \$4.25 per dozen, f. o. b. Union City, New Jersey.

(b) This Order No. 52 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 52 shall become effective on the 13 day of November 1942.

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11891; Filed, November 13, 1942;
11:53 a. m.]

[Order 53 Under MPR 188]

SKILL DARTS COMPANY

APPROVAL OF A MAXIMUM PRICE

Order No. 53, under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, it is ordered:

(a) Skill Darts Company is authorized to sell and deliver a new toy machine gun designated as "Krack-A-Jap" at a price no higher than \$.55 per unit f. o. b. High Point, North Carolina, to W. K. Butler, doing business under the name of "New Enterprises".

(b) This Order No. 53 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 53 shall become effective on the 13th day of November 1942.

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11892; Filed, November 13, 1942;
11:54 a. m.]

[Order 54 Under MPR 188]

PLAYETTE CORPORATION

APPROVAL OF A MAXIMUM PRICE

Order No. 54 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, it is ordered:

(a) Playette Corporation is authorized to sell and deliver to retailers the new toy theatre, designated as "Little Playette Theatre", at a price no higher than \$.85½ per theatre, f. o. b. New York, New York.

(b) This Order No. 54 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 54 shall become effective on the 13th day of November 1942.

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11899; Filed, November 13, 1942;
11:55 a. m.]

[Order 55 Under MPR 188]

HOLT AND COMPANY

APPROVAL OF A MAXIMUM PRICE

Order No. 55 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, it is ordered:

(a) Holt and Company is authorized to sell and deliver to retailers the set of four miniature train signals manufactured by it, at a price no higher than \$.414 per set, f. o. b. Cleveland, Ohio.

(b) This Order No. 55 may be revoked or amended by the Price Administrator at any time.

Issued and effective this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11900; Filed, November 13, 1942;
11:55 a. m.]

[Order 56 Under MPR 188]

LEO HART COMPANY, INC.

APPROVAL OF A MAXIMUM PRICE

Order No. 56 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, it is ordered:

(a) Leo Hart Company, Incorporated, is authorized to sell and deliver a new jig-saw picture puzzle, designated as the "Hart Picture Puzzle" to dealers at a price no higher than \$1.68 per dozen f. o. b., Rochester, New York.

(b) This order No. 56 may be revoked or amended by the Price Administrator at any time.

(c) This order No. 56 shall become effective on the 13th day of November 1942. Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11901; Filed, November 13, 1942;
11:55 a. m.]

[Order 57 Under MPR 188]

RALSTON TOY AND NOVELTY CO., INC.

ORDER GRANTING ADJUSTMENT

Order No. 57 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250; *It is ordered:*

(a) Ralston Toy and Novelty Company, Incorporated, is authorized to sell and deliver to retailers a line of new wooden toys manufactured by it, at prices, f. o. b. Omaha, Nebraska, no higher than those set forth below:

	Per dozen
"Jeep"-----	\$1.75
"Tank"-----	1.00
"Patrol Torpedo Boat"-----	2.00

(b) This Order No. 57 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 57 shall become effective on the 13th day of November 1942.

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11880; Filed, November 13, 1942;
11:56 a. m.]

[Order 58 Under MPR 188]

KLISE MANUFACTURING COMPANY, INC., AND
CAPPEL, MACDONALD AND CO.

APPROVAL OF MAXIMUM PRICES

Order No. 58 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, An Act to amend the Emergency Price Control Act of 1942, etc., and Executive Order No. 9250, *It is ordered:*

(a) Klise Manufacturing Company, Inc., is authorized to sell and deliver to Cappel, MacDonald and Company the following "Teach-A-Tot" toys at prices per unit, f. o. b. factory, no higher than those set forth below:

Letter Blox-----	\$1.12
Nok-A-Blox-----	1.00
Mak-A-Toys-----	.80
Color Top-----	.60
Play-A-Weigh-----	.87
Nut-N-Bolt-----	.69
Blox Cars-----	1.03
Time-A-Roo-----	.57

(b) Cappel, MacDonald Company is authorized to sell and deliver to retailers the following "Teach-A-Tot" toys at prices per unit, f. o. b. seller's point of

shipment, no higher than those set forth below:

Letter Blox-----	\$1.99
Nok-A-Blox-----	1.71
Mak-A-Toy-----	1.42
Color Top-----	.84
Play-A-Weigh-----	1.57
Nut-N-Bolt-----	1.14
Blox-Cars-----	1.85
Time-A-Roo-----	.99

(c) This Order No. 58 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 58 shall become effective on the 13th day of November, 1942.

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11893; Filed, November 13, 1942;
11:54 a. m.]

[Order 59 Under MPR 188]

THE GENERAL CLAY PRODUCTS COMPANY

AUTHORIZATION OF A MAXIMUM PRICE

Order No. 59 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion which has been issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and pursuant to § 1499.158 of Maximum Price Regulation No. 188: *It is ordered:*

(a) Specific authority is hereby given to The General Clay Products Company, Huntington Bank Building, Columbus, Ohio, to sell and deliver to any person:

Ohio Second Quality Fire Brick, 9" x 4½" x 2½" series at \$36.00 per thousand, f. o. b. plant.

Ohio Second Quality Fire Clay Brick, 8¾" x 4½" x 2½" (undersize) at \$31.00 per thousand, f. o. b. plant.

(b) This Order No. 59 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 59 shall become effective November 13, 1942.

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11894; Filed, November 13, 1942;
11:54 a. m.]

[Order 81 Under MPR 120]

JOHNSTOWN COAL & COKE COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 81 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-106.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and pursuant to

§ 1340.207 (b) of Maximum Price Regulation No. 120: *It is ordered:*

(a) Johnstown Coal & Coke Company, 1006 United States National Bank Building, Johnstown, Pennsylvania, may sell and deliver, and any person may buy and receive the bituminous coal described in paragraph (b), at prices not in excess of the respective prices stated therein, for shipment by rail.

(b) Coals produced by the Johnstown Coal & Coke Company at its Logan No. 4 Mine (Mine Index No. 285) in District No. 1, may be sold for shipment by rail at prices not to exceed \$3.15 per net ton in Size Group 3, \$3.00 per net ton in Size Group 4, and \$3.00 per net ton in Size Group 5.

(c) This Order No. 81 may be revoked or amended by the Administrator at any time.

(d) All prayers of the petition not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(f) This Order No. 81 shall become effective November 14, 1942.

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11895; Filed, November 13, 1942;
11:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-39]

NORTH AMERICAN LIGHT & POWER COMPANY HOLDING-COMPANY SYSTEM AND THE NORTH AMERICAN COMPANY

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of November, A. D. 1942.

The Commission on September 29, 1942, having entered an order for a hearing to be held on November 16, 1942, for the purpose of determining the nature, validity, and extent of the claim of Illinois Iowa Power Company against North American Light & Power Company and Illinois Traction Company; and

It appearing to the Commission that it is necessary and appropriate to postpone said hearing:

It is ordered, That the hearing heretofore set in the above entitled matter for November 16, 1942, be and the same hereby is postponed to November 30, 1942, at 10:00 A. M., E. W. T. Said hearing to be held at the offices of the Securities & Exchange Commission, 18th & Locust Streets, Philadelphia, Pa., in such room as may be designated on such day by the hearing room clerk in Room 318. By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11855; Filed, November 13, 1942;
10:34 a. m.]

[File No. 59-35]

NEW YORK WATER SERVICE CORPORATION
AND FEDERAL WATER AND GAS CORPORATION

NOTICE OF AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 10th day of November, A. D. 1942.

The Commission having instituted proceedings with respect to Federal Water and Gas Corporation, a registered holding company, and New York Water Service Corporation, one of its subsidiaries, to determine whether, for the purpose of fairly and equitably distributing voting power among security holders of New York Water Service Corporation pursuant to the provisions of section 11 (b) (2) of the Public Utility Holding Company Act of 1935, it is necessary or appropriate to require that said corporation shall revise and simplify its capital structure and what further action may be required by New York Water Service Corporation to effect complete compliance with section 11 (b) (2) of the Public Utility Holding Company Act of 1935, as more fully set forth in the Commission's notice of and order instituting proceedings and setting date for hearing (Holding Company Act Release No. 3156);

Hearings having been held in respect of such proceeding and having been adjourned subject to call of the Trial Examiner; and

It appearing appropriate to the Commission that hearings in this matter be reconvened for the purpose of adducing additional evidence;

It is ordered, That the hearing in the above-entitled matter be reconvened on the 18th day of November 1942 at 10 o'clock in the forenoon of that day in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa. On that day the hearing room clerk in 318 will inform the parties as to the exact room in which said reconvened hearing shall be held;

It is further ordered, That without limiting the scope of the issues presented by these proceedings, attention will be directed at such hearing to a consideration of the following matters and questions:

(1) Whether, for the purpose of fairly and equitably distributing voting power among security holders of New York Water Service Corporation, pursuant to the provisions of section 11 (b) (2) of the Public Utility Holding Company Act of 1935, it is necessary or appropriate to require that New York Water Service Corporation shall revise and simplify its stock structure so as to cause the same to consist of common stock only;

(2) Whether, in the event the stock structure of New York Water Service Corporation is so revised, any participation should be accorded to Federal Water and Gas Corporation by reason of its holdings in the present common stock of New York Water Service Corporation;

(3) Whether, and if so the extent to which, New York Water Service has suffered any detriment in connection with its transactions with associate companies or affiliates.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.[F. R. Doc. 42-11857; Filed, November 13, 1942;
10:34 a. m.]

[File Nos. 54-50, 59-39, 59-10]

NORTH AMERICAN LIGHT & POWER CO., ET AL.

NOTICE OF FILING, ETC.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of November, A. D. 1942.

In the matter of North American Light & Power Company, File No. 54-50, North American Light & Power Company, Holding-Company System, and The North American Company, File No. 59-39, The North American Company, et al., File No. 59-10.

Notice of filing of plan for liquidation of North American Light & Power Company and Illinois Traction Company (application No. 11) and order for hearing.

The Commission on December 30, 1941, having entered an order pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 (File No. 54-50) directing that North American Light & Power Company (Light & Power) shall be liquidated and its existence terminated, and further directing that Light & Power and The North American Company shall proceed with due diligence to submit to this Commission a plan or plans for the prompt liquidation of Light & Power in a manner consistent with the provisions of the Public Utility Holding Company Act of 1935; and

The Commission in its Findings and Opinion of December 30, 1941, having stated,

We observe in passing that in addition to owning about 85% of the common stock of Light & Power, North American also owns about 43% of Light & Power's preferred stock and 63% of its debentures. The record discloses that these senior securities were acquired at substantial discounts and at a time when dividend arrears on its preferred stock were mounting and an earned surplus deficit increasing. These facts raise serious questions concerning the possible application to North American's holdings of various equitable doctrines. At this time, we do not determine or indicate in what manner North American's claims as a senior security holder of Light & Power shall be treated, as the record is not complete on that matter. Whether such claims shall be treated on a parity with those of the same class held by others; whether North American shall be confined to cost, computed in light of all relevant factors; whether North American's claims must be subordinated in whole or in part; or whether some other disposition of these problems may be appropriate, will depend on a comprehensive inquiry into the facts and a consideration of the applicable principles. We reserve jurisdiction to pass on these questions at a later time.

and

The Commission having on May 5, 1942 entered an order directing that the said proceeding (File No. 54-50) be consolidated with the proceeding entitled "In the matter of The North American Company, et al., (File No. 59-10)" and with the proceeding entitled "In the matter of

North American Light & Power Company Holding-Company System and The North American Company, (File No. 59-39)";

Notice is hereby given that North American Light & Power Company filed on October 15, 1942, a plan for the liquidation and termination of the existence of said Light & Power and for the liquidation and termination of the existence of Illinois Traction Company, a subsidiary of The North American Company and said Light & Power. Said plan is designated as Application No. 11.

All interested persons are referred to said application which is on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

It is recited in said plan that Light & Power has heretofore filed Applications No. 1 to 4 inclusive, all of which have been approved by the Commission and which provided for the dissolution of Power & Light Securities Company (a subsidiary of Light & Power), for the retirement of Light & Power's publicly held debentures, for the sale of the assets and dissolution of The McPherson Oil & Gas Development Company (a subsidiary of Light & Power) and for the sale of Light & Power's 50% interest in Blue River Power Company to The Kansas Power and Light Company.

Light & Power proposes to file additional applications (designated 5 to 10, inclusive) which will request authority for Illinois Traction Company to sell its interest in Kewanee Public Service Company for approximately \$300,000, for Western Illinois Ice Company to sell its physical property for approximately \$250,000 in cash, for Cahokia Manufacturers Gas Company to sell its physical properties to Illinois Iowa Power Company for approximately \$20,000, for Light & Power to sell its preferred stock holdings (and dividend arrears certificates) of Illinois Iowa Power Company, at the market, netting approximately \$343,220, to retire 210 shares of publicly held preferred stock of Illinois Traction Company, and for Illinois Traction Company to turn over to Light & Power its residual cash assets estimated to be approximately \$30,917.

The plan further states that when all of the above transactions shall have been accomplished it is estimated that there will be available for distribution by Light & Power and Illinois Traction Company as of December 31, 1942, the following:

Cash (estimated)-----	\$2,501,031.27
Preferred Stock, Missouri Power & Light Company....	Shares 3,298
Common Stock, Missouri Power & Light Company....	75,000
Common Stock, The Kansas Power & Light Company....	1,050,000
Common Stock, Northern Natural Gas Company.....	355,250
Common Stock, Illinois Iowa Power Company.....	312,478
Common Stock warrants Illinois Iowa Power Com- pany.....	300,000

North American Light & Power Company will have outstanding as of December 31, 1942, the following securities:

5½ % Debentures, all owned by
The North American Company,
principal amount..... \$5,623,000

Preferred stock owned by public
investors..... 109,255

Preferred stock owned by The
North American Company..... 84,925

Total preferred stock shares..... 194,180

Liquidating value of preferred
stock..... \$19,418,000

Dividend arrears to end of 1942
at \$63 per share..... 12,233,340

Total preferred stock..... 31,651,340

Common Stock, \$1 par value.....
Shares
6,288,059

Held by The North American
Company..... 5,327,067

Held by the public..... 960,992

Light & Power proposes, subject to de-
termination of various claims (involving
questions of fact and law) which may
have an effect on the amount of assets
available therefor, the following plan of
distribution:

1. To pay off the outstanding debentures in
the principal amount of \$5,623,500 as follows:
(a) By use of available cash to the extent
of \$2,200,000.

(b) By offering for sale 3,298 shares of pre-
ferred stock and 75,000 shares of the common
stock of Missouri Power & Light Company;
and 63,980 shares of the common stock of
Northern Natural Gas Company for \$3,423,500.

(c) In case such sum cannot be realized
from the sale of said securities, then to pay
cash in the amount of \$2,200,000 and trans-
fer the above securities to the holders of the
debentures as payment in full for same.

The North American Company acquired the
debentures as follows:

	Par value	Cost
Purchased ..	\$9,608,500.00	\$6,479,611.52
Redeemed by Light & Power ..	3,985,000.00	2,688,388.58

	Balance remain- ing ..	\$5,623,500.00	*\$3,791,211.94

*Includes intercompany profit of \$256,786.

2. To distribute to the preferred stock-
holders pro rata the following:

Cash (Balance remaining after distributions
to debenture holders as provided in part
(1) of Plan)

	Shares
Common capital stock of The Kansas Power and Light Com- pany	1,050,000
Common capital stock of Northern Natural Gas Company.....	291,270
Common stock Illinois Iowa Power Company	312,478
Common stock warrants.....	300,000

The application states that the face
amount of the outstanding debentures
plus the liquidating value of the pre-
ferred stock including accrued dividends
is approximately \$37,000,000 and the
current value of the assets is materially
less than this amount so that there will
be no assets remaining for distribution
to holders of common stock.

Sections 9 (a), 10, 11 (b) (1), 11 (b)
(2), 11 (e), 12 (d) of the Act, and Rules
U-43, U-44, U-45, and U-50 of the Rules
and Regulations of the Commission is-

sued thereunder, have been indicated as
applicable to the proposed transactions.

The Commission being required by the
provisions of section 11 (e) of said Act,
before approving any plan for com-
pliance with section 11 (b), to find, after
notice and opportunity for hearing that
such plan, as submitted or as modified
is necessary to effectuate the provisions
of section 11 (b), and is fair and equi-
table to the persons affected by such
plan; and

It appearing to the Commission that
the public interest, and the interest of
investors may be served by consideration
of certain limited issues presented by
such plan (which are hereinafter de-
scribed) prior to a determination of
whether said plan is in all respects in
accordance with the applicable standards
of said Act;

It is ordered, That a hearing on said
application be held on December 8,
1942 at 10:00 A. M., E. W. T., at the of-
fices of the Securities and Exchange
Commission, 18th and Locust Streets,
Philadelphia, Pennsylvania. On such
day the hearing room clerk in Room 318
will advise as to the room where such
hearing will be held.

It is further ordered, That Robert P.
Reeder or any other officer or officers of
the Commission designated by it for that
purpose shall preside at the hearings in
such matter. The officer so designated
to preside at such hearings is hereby
authorized to exercise all powers granted
to the Commission under section 18 (c)
of said Act and to a trial examiner under
the Commission's Rules of Practice; and

It is further ordered, That the Secre-
tary of the Commission shall serve
notice of the hearing aforesaid by mail-
ing a copy of this order by registered mail
to North American Light & Power Com-
pany, The North American Company,
Illinois Iowa Power Company, and Illi-
nois Traction Company; and that notice
of said hearing is hereby given to all
security holders of North American Light
& Power Company, to all states, munici-
palities and political subdivisions of
states within which are located any of
the utility assets of the said North Amer-
ican Light & Power Company Holding
Company System, to all state commis-
sions, state security commissions, and all
agencies, authorities, or municipalities of
the United States, one or more states,
municipalities, or other political subdivi-
sions having jurisdiction over said North
American Light & Power Company or any
of its subsidiaries, and to all other per-
sons who may have any interest in the
proceeding, such notice to be given by
a general release of the Commission dis-
tributed to the press and mailed to the
mailing list for releases issued under the
Public Utility Holding Company Act of
1935 and by publication in the FEDERAL
REGISTER not later than fifteen days prior
to the date hereinbefore fixed as the date
of the hearing; and

It is further ordered, That North
American Light & Power Company mail
to each of its security holders at his last
known address at least fifteen days prior
to December 8, 1942, a copy of this notice
and order and a copy of the plan of liqui-

dation and dissolution as set forth in
item 6 of Application No. 11 filed herein
and include therewith the following ex-
hibits filed with said application: D-2,
D-3, D-5, D-6, D-8, D-9, D-10, D-11
and D-14.

It is further ordered, That any person
desiring to be heard in connection with
these proceedings or proposing to inter-
vene shall file with the Secretary of this
Commission on or before December 1,
1942 his request or application therefor
as provided by Rule XVII of the Rules of
Practice of the Commission;

It is further ordered, That particular
attention will be directed at said hear-
ing to the following matters and ques-
tions:

(1) Whether the provisions in said
plan relating to the participation of The
North American Company are necessary
and fair and equitable; and

(2) Whether there are any special
equities affecting the securities of Light
& Power held by The North American
Company which require that the par-
ticipation of The North American Com-
pany be limited, or that for the purpose
of determining such participation said
holdings be subordinated to the holdings
of any claims of securities of Light &
Power held by the public.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11856; Filed, November 13, 1942;
10:34 a. m.]

[File Nos. 59-32, 70-455]

ASSOCIATED GAS AND ELECTRIC CORP., ET AL.

ORDER PERMITTING AMENDMENT TO DECLARATION

At a regular session of the Securities
and Exchange Commission, held at its
office in the City of Philadelphia, Pa., on
the 10th day of November 1942.

In the matter of Denis J. Driscoll and
Willard L. Thorp, as trustees of Associ-
ated Gas and Electric Corporation, res-
pondents, File No. 59-32; in the matter
of Northeastern Water and Electric Cor-
poration and Denis J. Driscoll and Wil-
lard L. Thorp as trustees of Associated
Gas and Electric Corporation, appli-
cants-declarants, File No. 70-455.

The Commission having heretofore,
on March 3, 1942, issued an order in
the above-captioned proceedings, which,
among other things, permitted a declara-
tion to become effective under section
12 (d) of the Public Utility Holding Com-
pany Act of 1935 and Rule U-44 pro-
mulgated thereunder, regarding the pro-
posed sale to John H. Ware, Jr. and
Penn-Jersey Water Company of 155,747
shares of common stock of Northeastern
Water and Electric Corporation by
Trustees of Associated Gas and Electric
Corporation, a registered holding com-
pany, for a cash consideration of
\$3,805,197.14; and

An amendment having now been filed
providing, among other things, that the
consideration to be received be reduced
to \$3,224,665.77, and further providing
that \$2,000,000 thereof be in the form

of a collateral promissory note of vendees bearing 3% interest and maturing November 15, 1943; the amended filing indicating that section 10 of the Act is applicable to the proposed acquisition; and

A public hearing having been held on the amended filings, after appropriate notice; the Commission having considered the record and finding that there is no reason to make any adverse findings under section 12 (d) of the Act and the applicable rules regarding the proposed disposition, and further finding that the acquisition meets the standards of section 10; and having made and filed its findings and opinion herein;

It is ordered, That the amended declaration be, and the same hereby is, permitted to become effective forthwith, and that the application be, and the same hereby is, approved, subject to the terms and conditions set forth in Rule U-24.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-11858; Filed, November 13, 1942;
10:34 a. m.]

[File No. 70-532]

GENERAL WATER, GAS & ELECTRIC CO.,
ET AL.

ORDER RELEASING JURISDICTION AS TO FEES AND EXPENSES

In the matter of General Water Gas & Electric Company, Boise Water Corporation, Natatorium Company, Kellogg Power and Water Company.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of November, A. D. 1942.

General Water, Gas & Electric Company, a registered holding company, and its subsidiaries, Kellogg Power and Water Company and Boise Water Corporation, together with the latter company's subsidiary, Natatorium Company, having joined in appropriate applications and declarations filed with this Commission, with amendments thereto, under sections 6 (b), 10 and 12 of the Public Utility Holding Company Act of 1935 for approval of (1) the acquisition of the outstanding securities of Kellogg Power and Water Company by Boise Water Corporation from its parent, General Water, Gas & Electric Company, in exchange for common stock to be issued by Boise Water Corporation; (2) the issuance and private sale of \$950,000 principal amount of bonds by Boise Water Corporation; (3) the redemption of \$1,000,000 principal amount of bonded debt by Boise Water Corporation from General Water, Gas & Electric Company; and (4) transactions incident thereto; and

The Commission having permitted such declarations to become effective subject, however, to certain conditions including the reservation of jurisdiction with respect to all accounting entries to be made, and certain fees and expenses

to be paid, in connection with the consummation of such transactions; and

General Water Gas & Electric Company, Boise Water Corporation, Natatorium Company and Kellogg Power and Water Company having filed a notification and itemized statement of such accounting entries and fees and expenses; and

It appearing to the Commission that under the circumstances of this proceeding, and the fact that the Public Utilities Commission of Idaho will have jurisdiction in respect of the proposed accounting entries, it is unnecessary that this Commission further reserve jurisdiction in the present proceeding concerning such accounting entries, and it further appearing that the fees and expenses proposed to be paid by the applicants are not unreasonable;

It is ordered, That jurisdiction be, and the same is hereby released in respect of said fees and expenses, and be, and the same is hereby released, insofar as the present proceeding is concerned in respect of said proposed accounting entries, but without prejudice to the right and power of this Commission to consider further the propriety of said accounting entries in any other or further proceeding in which the same may appropriately be considered: *And, provided further*, That the release of jurisdiction in respect of all matters concerning which the same is hereby released is made subject to the conditions prescribed by Rule U-24;

It further appearing to the Commission that by clerical error a line was omitted from the Findings and Opinion of this Commission herein of July 1, 1942 (Holding Company Act Release No. 3643) in the first sentence of the second paragraph of that subdivision of said opinion entitled "Proposed Transactions", and that said sentence should read as follows:

As the initial step in accomplishing the designated purpose, Boise proposes to acquire from its parent, General, all the outstanding securities of Kellogg consisting of a \$100,000 6% demand note and 65,000 shares of common stock (par value \$1.00) in exchange for 1,650 shares of common stock (par value \$100) to be issued by Boise;

It is further ordered, That said Findings and Opinion be, and the same are hereby amended and corrected so that said sentence shall read as hereinabove set forth.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-11860; Filed, November 13, 1942;
10:35 a. m.]

[File Nos. 70-529, 70-530, 37-28]

ASSOCIATED GAS AND ELECTRIC CORP., ET AL.

ORDER OF SEPARATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 10th day of November 1942.

In the matter of Denis J. Driscoll and Willard L. Thorp, trustees of Associated Gas and Electric Corporation, NY PA NJ Utilities Company, File No. 70-529; In the matter of Denis J. Driscoll and Willard L. Thorp, trustees of Associated Gas and Electric Corporation, Associated Utilities Corporation, File No. 70-530; In the matter of Atlantic Utility Service Corporation, File No. 37-28.

Order separating consolidated proceedings and consenting to withdrawal of declarations and applications pursuant to request of declarants and applicants.

Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, and Associated Utilities Corporation, a subsidiary of the said Trustees, having filed applications and declarations pursuant to the Public Utility Holding Company Act of 1935 regarding the dissolution and liquidation of Associated Utilities Corporation, and the acquisition by the Trustees of the assets of Associated Utilities Corporation and the assumption by the Trustees of all the liabilities of Associated Utilities Corporation, as shown by its books at the time of the transfer of its assets to the Trustees (File No. 70-530); and the Trustees and NY PA NJ Utilities Company having filed declarations and applications pursuant to the said Act regarding the contribution by the Trustees of certain securities to NYPA NJ Utilities Company (File No. 70-529); and Atlantic Utility Service Corporation, a subsidiary of the Trustees, having filed with the Commission an application for approval as a mutual service company, pursuant to section 13 of the said Act (File No. 37-28); and the Commission having consolidated the foregoing matters for hearing, and hearings having been held on the consolidated proceedings; and

Trustees of Associated Gas and Electric Corporation, Associated Utilities Corporation, and NY PA NJ Utilities Company having filed requests for withdrawal of the declarations and applications with respect to File Nos. 70-529 and 70-530; the Commission having considered the request and deeming it appropriate that the same should be granted; and that the application of Atlantic Utility Service Corporation (File No. 37-28) should be separated from the consolidated proceedings for further determination;

It is ordered, That the application of Atlantic Utility Service Corporation (File No. 37-28) be, and hereby is, separated from the consolidated proceedings for further determination.

It is further ordered, That the declarations and applications of the Trustees of Associated Gas and Electric Corporation, Associated Utilities Corporation, and NY PA NJ Utilities Company (File Nos. 70-529 and 70-530) be, and hereby are, permitted to be withdrawn.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-11861; Filed, November 13, 1942;
10:35 a. m.]

[File No. 70-613]

ASSOCIATED ELECTRIC CO., ET AL.

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of November 1942.

In the matter of Associated Electric Company, Metropolitan Edison Company, Staten Island Edison Corporation, File No. 70-613.

Order permitting declarations to become effective pursuant to section 12 and Rules U-42, U-43 and U-45.

Associated Electric Company, a registered holding company; Staten Island Edison Corporation, a subsidiary of New York State Electric & Gas Corporation and an indirect subsidiary of NY PA NJ Utilities Company, a registered holding company; and Metropolitan Edison Company, a subsidiary of NY PA NJ Utilities Company, having filed declarations pursuant to sections 12 (b), 12 (c), and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43, and U-45 promulgated thereunder, in regard to the following transactions: Associated Electric Company proposes to acquire (a) \$2,222,000 principal amount of its own 4½% bonds, due January 1, 1953, from Staten Island Edison Corporation for a cash consideration of \$955,460, plus accrued interest (the consideration being determined upon the basis of 43% of principal amount), and (b) \$3,602,000 principal amount of its own 4½% bonds, refunding series, due April 1, 1956, from Metropolitan Edison Company, for a cash consideration of \$1,548,860, plus accrued interest (the consideration also being determined upon the basis of 43% of principal amount); and

Staten Island Edison Corporation proposes to advance the sum of \$1,050,000 to its subsidiary, Richmond Light and Railroad Company, to enable such company to have sufficient cash available to redeem, at the call price of 105, the entire outstanding issue of \$1,000,000 principal amount of its First and Collateral Trust 4% 50-year Gold Bonds, due July 1, 1952; and

Such declarations having been filed on October 10, 1942, and a notice and amended notices of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declarations within the period specified in said notices, or otherwise, and not having ordered a hearing thereon; and

It appearing that the approval of the Pennsylvania Public Utility Commission is required to permit the sale by Metropolitan Edison Company of \$3,602,000 principal amount of 4½% Associated Electric Company bonds, refunding series, due April 1, 1956, to the Associated Electric Company, for a cash consideration of \$1,548,860, plus accrued interest, and that such approval has not as yet been obtained; and

The Commission finding that the requirements of sections 12 (b), 12 (c), and 12 (f) and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declarations to become effective forthwith in regard to and limited to the acquisition by Associated Electric Company of the \$2,222,000 principal amount of its own 4½% bonds due January 1, 1953, from Staten Island Edison Corporation for a cash consideration of \$955,460 plus accrued interest and the

advance by Staten Island Edison Corporation of the sum of \$1,050,000 to Richmond Light and Railroad Company to enable such company to have sufficient cash available to redeem, at the call price of 105, the entire outstanding issue of \$1,000,000 principal amount of its First and Collateral Trust 4% 50-year Gold Bonds, due July 1, 1952;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that said declarations, in regard to and limited to the acquisition by Associated Electric Company of \$2,222,000 principal amount of its own 4½% bonds, due January 1, 1953, from Staten Island Edison Corporation for a cash consideration of \$955,460, plus accrued interest, and to the advance by Staten Island Edison Corporation of the sum of \$1,050,000 to Richmond Light and Railroad Company to enable such company to have sufficient cash available to redeem, at the call price of 105, the entire outstanding issue of \$1,000,000 principal amount of its First and Collateral Trust 4% 50-year Gold Bonds, due July 1, 1952, be and hereby are, permitted to become effective forthwith; and

It is further ordered, That jurisdiction be and is hereby reserved over the proposed sale by Metropolitan Edison Company of \$3,602,000 principal amount of 4½% Associated Electric Company bonds, refunding series, due April 1, 1956, to the Associated Electric Company, for a cash consideration of \$1,548,860, plus accrued interest.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-11859; Filed, November 13, 1942;
10:35 a. m.]